

Clerk Name: Clare Louise McDonald  
Clerk Telephone: 07350 435308  
Clerk Email: committee@northlan.gov.uk



25 March 2025

## 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](http://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, 03 April 2025 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, T Carragher, M Coyle, S Coyle, K Docherty, T Fisher, M Hughes, L Jarvie, T Johnston, J Logue, H Loughran, C McManus, M McPake, A McVey, L Mitchell, J Reddin, D Robb, A Smith, G Woods.



## Agenda

- 1 **Declarations of Interest In Terms of the Ethical Standards In Public Life Etc. (Scotland) Act 2000**
  
- 2 **Planning Applications Index** 5 - 66  
Submit Planning Applications Index.
  
- 3 **Planning and Enforcement Notice Appeals Lodged** 67 - 70  
Submit report by Chief Officer (Place) providing notification of the Planning and Enforcement Appeals Lodged.



***North  
Lanarkshire  
Council***

Planning Applications for consideration  
of Planning Committee

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Committee Date: 3<sup>rd</sup> April 2025

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APPLICATIONS FOR PLANNING COMMITTEE

3rd April 2025

Page No	Application No	Applicant	Development/Site	Recommendation
7-19	<a href="#">21/00117/PPP</a>	TmC Planning Ltd	59 Dwellinghouses (Application for Planning Permission in Principle) Land at Cairneyhead Farm Torbothie Road Stane Shotts ML7 5BW	Refuse
20-40	<a href="#">23/00029/PPP</a>	Mr Zachary Anthony Williams	60 Holiday Lodges with Ancillary Manager's Dwellinghouse and Supporting Services (In Principle) Bridgehill Farm Blairmuckhole And Forrestdyke Road Harthill ML7 5TR	Refuse
41-57	<a href="#">24/00661/AMD</a>	Callanish Homes (Glenboig) Ltd	Amendment to Permission 19/01434/MSC - Change of Layout and Change from 13 Detached Dwellings to 30 Flats in Four Blocks (2x Two Storey Blocks and 2x Three Storey Blocks) with associated parking and Open Space Land South Of Glenburn Gardens Marnoch Glenboig	Grant
58-65	<a href="#">24/01091/FUL</a>	Mr G. Irwin	Conversion & Extension of Office to Form 3 Flats 55 Hamilton Road Motherwell ML1 3DG	Grant

(P)

21/00117/PPP - If the Council are minded to grant planning permission, a Section 75 Legal Agreement between the Council and the applicant is required, prior to the issuing of the decision notice, due to capacity pressures on local primary schools with the projected pupil numbers from this proposed development.

**Application No:**

21/00117/PPP

**Proposed Development:**

59 Dwellinghouses (Application for Planning Permission in Principle)

**Site Address:**Land At Cairneyhead Farm  
Torbothie Road  
Stane  
Shotts  
ML7 5BW

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**Date Registered:**

4th March 2021

**Applicant:**TmC Planning Ltd  
Redhouse Farm  
Seafield Road  
Bathgate  
EH47 7AG**Application Level:**

Major Application

**Agent:**TmC Planning  
37 Dyfrig Street  
Shotts  
ML7 4DQ**Contrary to Development Plan:**

No

**Ward:**13 Fortissat  
Martin McCulloch, Margaret Hughes, John Jo  
Leckie, Clare Quigley**Representations:**

30 letter(s) of representation received.

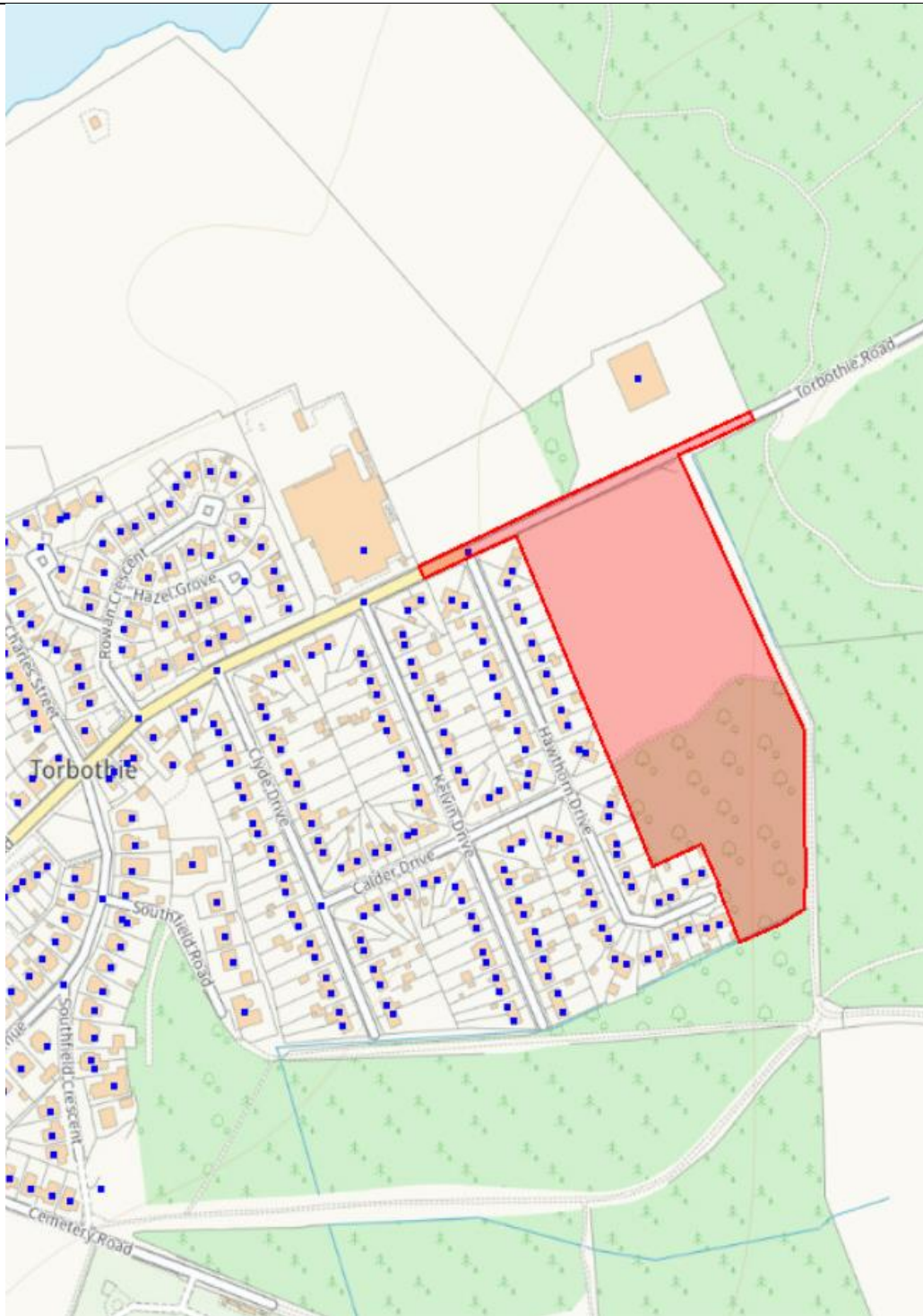
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**Recommendation:****Refuse****Reasoned Justification:**

The proposed development is contrary to policies 14 and 16 of the NPF4 along with policies PP3 and EDQ 1-3 of the North Lanarkshire Local Development Plan as it has not been demonstrated by the applicant that noise from the nearby food manufacturer (Bells Food Group Limited) and coal mining hazards in the area can be effectively mitigated. It is therefore recommended that planning permission be refused.

**Note to Committee:**

If the Council are minded to grant planning permission, a Section 75 Legal Agreement between the Council and the applicant is required, prior to the issuing of the decision notice, due to capacity pressures on local primary schools with the projected pupil numbers from this proposed development.



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**Planning Application: 21/00117/PPP**  
**Name (of applicant): TmC Planning Ltd**  
**Site Address: Land At Cairneyhead Farm**  
**Torbothie Road**  
**Stane**  
**Shotts**  
**ML7 5BW**  
**Development: 59 Dwellinghouses**  
**(Application for Planning Permission In Principle)**





**Recommendation: Refuse for the Following Reasons:-**

1. The proposed development is contrary to policy 14 (Design, Quality and Place) of the NPF4, along with policies PP3 (General Urban Area) and EDQ 1-3 (Environmental and Design Qualities) of the North Lanarkshire Local Development Plan (2022). This is due to the lack of competent information on noise mitigation in relation to a nearby factory as it has not been demonstrated that noise from the factory will not have an adverse impact on the residential amenity of the future occupants of the proposed development.
2. The proposed development is contrary to policies PP3 (General Urban Area) and EDQ 1-3 (Environmental and Design Qualities) of the North Lanarkshire Local Development Plan (2022). This is due to the lack of competent information in relation to ground stability as it has not been demonstrated that coal mining hazards in the area will not have an adverse impact on the proposed development to the detriment of the future occupants and also the existing settlement.

**Background Papers:**

**Consultation Responses:**

NLC Transportation and Infrastructure  
Scottish Water  
NLC Greenspace  
NLC Education  
Archaeology Service  
NLC Environmental Health (Pollution Control)

**Contact Information:**

Any person wishing to inspect these documents should contact Leigh Menzies on 01236 632487.

**Report Date:**

18 March 2025

## APPLICATION NO. 21/00117/PPP

### REPORT

#### 1. Site Description

- 1.1 The application site is approx. 3.5 hectares of land located to the south of Torbothie Road and to the east of Hawthorn Drive.
- 1.2 The ground is mainly an area of grassland with some trees and bushes around the periphery. There is a line of mature trees which mark the boundaries to Torbothie Road and the north eastern boundary of the site. The levels are varied, although gradually decline from the north-east to the rear of the houses on Hawthorn Drive, with a further raised area at the southern end. This part of the site functions as open ground at the edge of the settlement, with some desire lines where there is pedestrian access to the Shotts Health Walk and woodland walking routes nearby.
- 1.3 To the north of the site is an area of grassland or rough agriculture and to the north west is located the Bells Food Group manufacturing site and to the north east a large shed with yard (which appears to have been refurbished in the recent past).
- 1.4 The site is located at the edge of the settlement of Shotts. The houses on Hawthorn Drive are single storey, while the Bells Unit is a considerable building with associated plant. The wider area includes heath, young woodland, the Voe and the South Calder Water, two of which are designated Sites of Importance for Nature Conservation.

#### 2. Proposed Development

- 2.1 The proposed application is for planning permission in principle for 59 dwellinghouses. The application includes an indicative layout with the main vehicle access to the site proposed from Torbothie Road to the north. A second access from Calder Drive has also been proposed however the current indicative plans show this to be bollarded and only for access by emergency vehicles. Originally the applicant sought consent for a larger development and this is detailed in the site history below.
- 2.2 While only planning permission in principle is sought at this stage, an indicative layout has been submitted which includes a mix of house-types, mostly detached with some semi-detached with a central area of open space and playpark. As a residential layout, the approach adopted is acceptable, although the layout would require further assessment via a subsequent detailed application, if planning permission in principle were to be granted. In terms of the relationship with existing houses, the proposed units would appear to be mostly 2-storey (opposed to the established single storey houses on Hawthorn Drive and Calder Drive) and these would be configured in a way that gardens back on to one another. The development would displace all trees/bushes within the site, although the mature trees around the northern and eastern boundaries are shown as being retained and other boundary planting is proposed. The plan also includes pedestrian links through the development to the Shotts Health Walk, maintaining those currently in place.

#### 3. Applicant's Supporting Information

- 3.1 The applicant has submitted the following information (along with some resultant follow-up submissions) in support of their application:
  - Planning Statement
  - Site Investigation
  - Coal mining risk assessment
  - Ecology appraisal
  - Noise Impact Assessments
  - Transport Assessment
- 3.2 As the original application was submitted prior to the adoption of the North Lanarkshire Local Development Plan and NPF4 the applicant's agent was advised that they should update their planning statement to reflect this. This has not been carried out.

#### 4. **Site History**

- 4.1 There is no previous planning history for this site, however it should be highlighted that the current application has been altered since its original submission in 2021. The initial plans and information submitted with the application were for the erection of 94 Dwellinghouses and 4 Retail Units (application for planning permission in principle) and was contained within a larger site. The original submission covered the area currently being considered (south of Torbothie Road) along with an additional area to the north of Torbothie Road.
- 4.2 The area to the north of Torbothie Road contained 4 retail units and a further 35 residential units and these were located within an area designated as PP5 Countryside. This particular element of the development would have been considered contrary to the development plan. For clarity this section of the proposal has been deleted from the application and the only area being considered as part of the proposed development is now the area to the south of Torbothie Road.

#### 5. **Development Plan**

- 5.1 With regard to the proposal the following policies are relevant in terms of the development plan:

National Planning Framework 4 (NPF4)

Policy 3 Biodiversity  
Policy 13 Sustainable Transport  
Policy 14 Design, Quality and Place  
Policy 15 Local Living and 20 Minute Neighbourhoods  
Policy 16 Quality Homes  
Policy 21 Play, Recreation and Sport  
Policy 22 Flood Risk and Water Management

North Lanarkshire Local Development Plan (LDP)

Policy PP3 Purpose of Place (General Urban Area)  
AD3 Amount of Development  
CI Contributions to Infrastructure  
EDQ 1, 2, 3 Environmental and Design Qualities

#### 6. **Consultations**

- 6.1 **Scottish Water** raised no objection to the application. They confirm that there is currently water capacity at the Daer Water Treatment Works to service the development and capacity for waste water at Shotts Waste Water Treatment Works. They have advised, however that surface water won't be accepted into the combined sewer system which means that the development would require to address this aspect of infrastructure through other means. Therefore, any approval would require to ensure that there were appropriate conditions included in the decision to ensure there is more detailed consideration of the incorporation of Sustainable Urban Drainage into the detailed plans.
- 6.2 **NLC Environmental Health (Pollution Control)**

- i.* The desk study **Site Investigation** has been reviewed and was found not to cover the entire site. Even after the application site was reduced the report submitted does not cover all of the application site. Planning conditions would be required to address outstanding Site Investigation (SI) matters. Therefore, if planning were granted a full SI of the entire application site would be required, including setting out the requirement for any remediation. This could be controlled by condition.
- ii.* In terms of **Noise** detailed consideration of the potential impact from the adjacent Bells Bakery premises is required in order to assess the impact on the proposed residential properties. This required the submission of a formal Noise Impact Assessment. A number of assessments have been submitted for consideration with the most recent on 8 January 2025. The various reports submitted state that although there is a significant impact, there is no requirement for any noise mitigation. However, after assessing these reports NLC Pollution Control have found there have been various shortcomings in respect to methodology and how this matter has been assessed. NLC Pollution Control have concluded that the noise from the Bells Factory represents a 'significant adverse impact' and

as the proposed new housing is the agent of change then mitigation would be required in order that the current operations of an existing business are unaffected. The applicant has therefore not demonstrated that noise can be effectively mitigated and NLC Environmental Health object to the application on this basis.

- 6.3 **NLC Greenspace Development** identified local nature designations, which don't include the site itself, relevant to the current site is Springhill Bog to the south. The Springhill Bog is a blanket bog with ecological value through its carpet of sphagnum moss and peat environment. To understand potential biodiversity impacts, a formal ecological assessment has been required. The conclusions of the report are that there are no implications in terms of protected species from development, although a pre-development check for badgers and works to any adjacent trees in respect to bats is required. Recommendations are also provided on some strategic landscaping along boundaries to enhance the relationship with adjacent sites of ecological value. No potential unacceptable impacts on the nearby Sites of Importance for Nature Conservation were identified, although possible construction impacts were highlighted in relation to Springhill Bog. The Planning Service notes that all these matters could be addressed via conditions. Comments were also provided on access rights, highlighting the informal recreation role that the site plays, along with detailed comments on the national policy and background for walking, cycling and sustainable/active travel. In terms of specifically protected access routes (Core Paths or Rights of Way), there are none formally identified within the site, although there is a Right of Way along the eastern boundary outwith the site. Desire lines on the ground from Calder Drive and Hawthorn Drive to the nearby Right of Way are also noted and any development of the site would require to maintain connectivity to the Right of Way. This could be controlled by a planning condition.
- 6.4 **NLC Archaeological Advisor** raises no objection to the application. A review of map evidence indicates that the area contains the remains of Cairneyhead Farm, which appears to have been a small unnamed hamlet in the 18<sup>th</sup> Century, which raises the possibility that it may have medieval origins. The review has also indicated that the site was arable in the 18<sup>th</sup> Century which raises the possibility of previously unknown prehistoric and medieval archaeological remains. There are no designated heritage resources such as scheduled ancient monuments which would be affected by development. While there is the potential for archaeological remains to be damaged, this wouldn't be to the extent that should prevent development and a condition could ensure that before development commences, an investigation is carried out which would allow recording where appropriate.
- 6.5 **NLC Education Service** raised no objection to the application. The development would be in the catchment areas of Stane Primary School, St Patricks Primary School, and Calderhead and St Aidan's High Schools. The service anticipated in 2021 that there would be capacity issues within the primary schools going forward and that additional pupils from the development would have a negative impact which would require a financial contribution to assist with additional capacity. In 2021 it was anticipated that an amount of £30,973 would be required for the number of units proposed. However, given that the number of proposed residential units has been reduced in number and it has been 3 years since the initial assessment should this application be approved further consultation with NLC Education would be required to re evaluate this figure, and for this matter to be controlled as part of a legal agreement.
- 6.6 **NLC Transportation and Infrastructure** required that a traffic assessment be undertaken. This was subsequently provided in April 2023 and related to the development for the larger scheme initially submitted which included the retail units and 35 additional dwellings. However shortly after this was submitted the agent advised that the development was to be reduced to the area south of Torbothie Road. Subsequently NLC Transportation and Infrastructure advised that the agent should submit an amended assessment that reflects the current reduced development and not the original one, given original scheme would be more onerous in terms of mitigation as it included a retail element. This has not been provided by the applicant.

## 7. **Representations**

- 7.1 Following the carrying out of the statutory notification and press advert a total of 54 letters of representation were received. However, only 30 of these were received within the statutory timeframe (from 23 households). A further 24 were received outwith that time (from 19 separate households). The issues raised largely mirror those submitted within the statutory period. The comments received are summarised as follows:

- a. Notification processes for the local community and neighbours were undertaken during Covid restrictions which means that elderly neighbours were not given a chance to participate,

- further consultation should be carried out
- b. Not enough information was provided in connection with the proposed retail units such as whether it would be retail or for restaurant/takeaway, parking, local walking links, connection to bus routes
  - c. The need for the retail element is questioned by some objectors but welcomed by others, but should not be at the cost of the town centre
  - d. Concern regarding ability of Torbothie Road to accommodate additional traffic and the use of Calder Drive as an access point
  - e. How the additional traffic will impact pedestrian users and if there will be any crossings installed
  - f. Footpath not suitable route to school, too narrow
  - g. Roads and gullies are not currently maintained, who would ensure that this is undertaken
  - h. Land to the east of Hawthorn Drive is marshy and prone to flooding, further information is required to address this
  - i. No indication of what level of affordable housing will be included
  - j. Application form is misleading in terms of the barn at the north of Torbothie Road, this has been restored for use but the application indicated that this was a ruin.
  - k. The local school is nearing capacity, how will this be addressed
  - l. Concerns regarding the impact on local health services
  - m. Ecological concerns and conservation of trees
  - n. Overall noise and general disturbance through construction process
  - o. General impact on nearby housing such as privacy, proximity of housing, loss of natural daylight, overshadowing
  - p. Too much development in Torbothie area already
  - q. Play facilities: recently removed from Torbothie
  - r. Japanese Knotweed
  - s. Prejudicial to Bells business operations by not providing information on mitigation measures on a large local employer
  - t. Loss of open space and greenbelt land
  - u. Assessment of air quality
  - v. Development of this site is a prelude to further developments to the north

## **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 comprises National Planning Framework 4 (NPF4) and the North Lanarkshire Local Development Plan 2022 (the LDP), with the former taking precedence in the event of any conflict between policies.

### **8.2 NPF4 Policy 3 Biodiversity**

This policy looks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The main body of the site appears to be of poor value in terms of biodiversity. However the mature trees along the north and east boundaries are worth retention. These trees should be retained and protected during the construction period and in the long term. This could be controlled by condition.

- 8.3 In addition Greenspace have provided comments with regard to longer term biodiversity gains, such as wildflowers and bat/bird bricks within the buildings. This could be controlled by condition.

### **8.4 NPF4 policy 13 Sustainable Transport**

This policy seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. This development does not directly promote all types of sustainable transport, however it is located near established bus routes and the indicative plans show the incorporation of established walking routes to the surrounding rural area to the east of Shotts which is in line with this policy requirement.

### **8.5 NPF4 policy 14 Design, Quality and Place**

This policy seeks to ensure that developments are of a good design that are not detrimental to the amenity of surrounding area and are consistent with the 6 qualities of successful places – Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable

- 8.6 The site is located on the edge of the settlement of Shotts within an area that is designated as General Urban in the local plan. The edges of this site form natural boundaries to the settlement through trees and bushes, it would be expected that if permission was granted for planning permission that these would be retained.
- 8.7 Policy 14 also looks to ensure that the residents within a development have a pleasant place to live. In terms solely of the adjacent housing it is considered that the site could provide a reasonable extension to the current town. However, there are details that would require further consideration.
- 8.8 In the first instance in relation to the house types shown on the indicative plan it is not considered that 2 storey properties would be acceptable. It is appreciated that 2 storey properties have been approved in other areas of Torbothie but these are remote from this site, and it is considered that given the single storey properties immediately adjacent to the west of the site that 2 storey properties would look incongruous, particularly as they would then form the edge of the urban area to the countryside. Therefore, the height of the properties should be limited to no more than one and half storeys.
- 8.9 With regard to noise and assessment of the impact that the nearby Bell's Bakery factory would have on residents of the proposed housing, a noise impact assessment was required. Various reports have been lodged as part of the application which have looked to address this element with the most recent report dated October 2024. This states that the initial assessments suggest that *'the sound generated from the factory will have an adverse impact on the residents of the proposed houses.'* The report then goes on to state that the incorporation of acoustic barriers *'will not be possible in this case as they would have to be impractically high'*. All of these reports have been assessed by NLC Environmental Health who agree that the mitigation required would be excessive, but that mitigation is required in order to ensure that the dwellings are suitable for future residents of the development.
- 8.10 It should also be noted that there were a number of elements within the noise report submitted that NLC Environmental Health indicated required further clarification. This has been an ongoing issue and this is the 3<sup>rd</sup> noise report to be submitted. The application has been under consideration for just short of 4 years, therefore it is considered that more than enough time has been afforded to the applicant and their agent to try to resolve this issue.
- 8.11 NPF 4 policy 15 - Local Living and 20 Minute Neighbourhoods
- This policy sets out that to establish this form of living consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. The application site is located directly adjacent to an established housing area with nearby bus routes.
- 8.12 In addition a traffic impact assessment was submitted as part of the initial application which took into account 94 houses and 4 retail units. NLC Transportation and Infrastructure team have asked for an updated traffic assessment as the onus for mitigation is likely to be less with the reduction in the size of the proposed development. This information was passed to the agent in August 2024 however no response or update has been forthcoming with regards this matter. Again, it is considered that adequate time has been afforded to the agent to provide information on how they wish to proceed.
- 8.13 NPF 4 policy 16 - Quality Homes
- This policy supports new homes on land allocated for housing in Local Development Plans and sets out various requirements including and not limited to meeting local housing requirements, providing or enhancing local infrastructure, facilities or services and improving the residential amenity of the surrounding area. Although the application site is not specifically zoned for housing it is located in an area that is designated as General Urban Area and as such the principle of housing is acceptable, so long as the detailed considerations of the development are acceptable. As adequate information has not been submitted in support of the application in terms of noise and mineral stability approval cannot be recommended at this time.
- 8.14 NPF4 Policy 21 Play, Recreation and Sport
- This policy looks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. Although the application submitted is in principle an indicative layout has been submitted which includes a proposed play area and retaining informal routes through the site to the wider countryside to the east. Given this it is considered that the requirements of this policy can be

achieved, and this matter could be controlled by planning condition.

8.15 NPF4 Policy 22 Flood Risk and Water Management

This policy looks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. No flooding is identified on the mapping that is generated by SEPA in relation to the application site, however this has been raised as an issue by nearby residents. In terms of developments such as this any approval would require a Sustainable Urban Drainage system to be conditioned. These systems require to be designed in line with current best practice and ultimately needs to be signed off by a suitably qualified person. Therefore it is considered that this matter could be controlled by condition.

8.16 LDP PP3 General Urban Area and AD3 Amount of Development

This policy 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 while satisfying the Environmental and Design Quality policies EDQ1-3. It is considered that the principle of the development is acceptable, however as set out below, in paragraphs a to g of 8.18, the development does not meet the requirements of EDQ 1-3 and as such the application cannot be support at this time.

8.17 LDP CI Contributions to Infrastructure

This policy seeks to secure developer contributions for new developments that, individually or cumulatively, generate a requirement for new or enhanced infrastructure or services. Based on the information currently available NLC Education have highlighted the limited capacity of the local primary schools and indicated that a financial contribution would be required. Should this application be granted, the proposed figure would require to be revisited, given the time elapsed since comments were provided by Education and a Section 75 legal agreement entered into before any approval could be issued.

8.18 LDP Environmental and Design Quality Policies

EDQ 1 – Site Appraisal

EDQ 2 – Specific Features for Consideration

EDQ 3 – Quality of Development

- a. These three polices look for proposed developments to create a successful place or enhance existing places by integrating successfully into the local area and avoiding harm to neighbouring amenity. To do this a range of criteria is listed within these polices which includes amongst other things aspects of design, massing, materials, topography and aspects to protect the existing urban area and its specific characteristics, assets and attributes. They consider hazardous zones, utilities infrastructure and management areas and look to promote biodiversity and the environment whilst meeting the challenges of the climate change via suitable and safe access for all users to promote sustainable public travel or for example the provision of electrical charge points where the car is still a requirement.
- b. The application under consideration is in principle and as such a number of the design elements do not require to be provided. Notwithstanding this some information has been provided in order to assess potential impacts by the proposal. This includes the site access with detailed information provided in connection with this element. NLC Transportation and Infrastructure have provided comments and have indicated that the application could be acceptable but with mitigation. Further clarification requires to be submitted as part of the application but at this time it is not considered that this would necessarily be a barrier to the suitability of the development, however this cannot be assumed and should this application be approved additional conditions would require to be included.
- c. The detailed design of the dwellings in relation to massing and materials etc has not been provided at this stage and would be part of any future detailed application as required. However it is considered that these issues could be addressed with other elements such as privacy and daylight impacts kept to a minimum not only for the future residents but also for the existing residential properties to the west. Notwithstanding this the application indicates that planning permission is sought for 2 storey properties. It is considered that as the adjacent properties are single storey and the application site is on the edge of the countryside that this would not be appropriate and any development should be restricted to one and a half storeys, should

approval be granted.

- d. Noise from the factory to the north west was highlighted from the early stages of the application as being an issue that could impact on the viability of at least some of the proposed development. Much of this issue has been previously addressed in paragraphs 8.9 and 8.10 above. In order to fully assess this issue further clarification is required in terms of the noise assessment carried out about what appropriate mitigation could be put in place. It is not possible to indicate what provision the mitigation should take given the information provided is inadequate and NLC Pollution Control are unable to support the application until such times as more appropriate studies and information have been provided. The provision of this information is also required to understand what mitigation would be necessary, such as an acoustic barrier and if this would be acceptable in terms of impact on the residential amenity of the area.
- e. In terms the future health and wellbeing of any residents the issue of ground stability and contamination must be addressed should the application be approved which is due to the previous coal and industrial uses that are common North Lanarkshire wide. In terms of the issue site investigation specifically for contamination NLC Environmental Health have indicated that a condition could be placed on any approval to require that the appropriate steps be taken after approval, ultimately requiring that all the mitigation has been undertaken.
- f. Notwithstanding this however, the majority of the site that is now seeking approval requires that a Coal Mining Risk Assessment be submitted and assessed by the Mining Remediation Authority. Information relating to this was submitted as part of the site investigation report in 2021 and later as a standalone report that was dated 2018 unfortunately these documents did not cover the entire area of the proposed development, even when reduced to only the housing to the south of Torbothie Road. As such it is considered that in this instance local plan policy EDQ 2 has not been met and planning permission should not be granted as matters such as this cannot be conditioned.
- g. An ecological report was submitted and the current application site is located approx. 70m to the north of Springhill Bog which is designated as a Site of Interest for Nature Conservation (SINC). NLC Greenspace have highlighted the need to ensure that no unacceptable impacts on the Springhill Bog happen due to the development, especially during the construction phase. This could be addressed through condition ensuring that an appropriate SUDs system is put in place which would address any potential longer term issues. In the short term a Construction Environmental Management Plan could be conditioned for submission before development starts to minimise construction impacts during the construction phase. In addition this report could also address the protection of the trees along the north and eastern edges of the site. Other than this there are no special ecological concerns regarding the site. Any approval however would require conditions to be included to ensure that prior to works being carried out further ecological study are carried out.

#### 8.19 Representations

In response to the grounds of representation, these are summarised as follows and the respective responses should be noted:

- a. Notification processes for the local community and neighbours undertaken during Covid restrictions which means that elderly neighbours were not given a chance to participate, further consultation should be carried out  
**Response:** The global health crisis was an unprecedented event and on checking the records the applicant/agent followed the guidance that was laid out at a national level in order to carry out the Pre Application Consultation with the local community process prior to the submission of the application during that period. In addition on the submission of the application the statutory neighbour notification and advert in the press were carried out. The concerns of the community are appreciated however a significant number of objections were received and these are addressed in the following paragraphs.
- b. Not enough information was provided in connection with the proposed retail units such as whether it would be retail or for restaurant/takeaway, parking, local walking links, connection to bus routes  
**Response:** Applications for planning permission in principle require only to assess the general appropriateness of a proposed land use and as such the majority of the detailed information such as proposed users of the retail units would not be known or required in order to



undertake the assessment. Other information such as walking links were included in the indicative layout for information.

- c. The need for the retail element is questioned by some objectors but welcomed by others, but should not be at the cost of the town centre  
**Response:** It is appreciated that there is not a consensus amongst the representations with regard to the retail element within the comments received, however given that this element has now been deleted from the proposal it can no longer be taken into account.
- d. Concern regarding ability of Torbothie Road to accommodate additional traffic and the use of Calder Drive as an access point.  
**Response:** The concerns are noted, and a transport assessment was requested and submitted. However, mitigation requirements cannot be properly assessed, as the proposed scheme was reduced in scale and the revised transport assessment requested by NLC Roads and Infrastructure has not been provided by the applicant. However, it is considered that the general road network is likely to be able to accommodate the development. In terms of the Calder Drive access point should planning permission be approved then a condition could be added requiring a detailed assessment of its suitability.
- e. How the additional traffic will impact pedestrian users and if there will be any crossings installed  
**Response:** Whilst a revised transport assessment has not been provided it is considered that this matter could be controlled by condition.
- f. Footpath not suitable route to school, too narrow  
**Response:** It is appreciated that the route to St Patricks Primary and the high school includes the use of a narrow pavement. It is noted that this route is already in use as part of the current route and the proposed development did not create this issue. However, as a revised transport assessment has not been submitted NLC Roads and Infrastructure have not been able to properly assess the development's impact.
- g. Roads and gullies are not currently maintained, who would ensure that this is undertaken  
**Response:** This is a matter to be addressed under roads maintenance. However new developments require to incorporate a Sustainable Urban Drainage System to deal with run off. Any approval would require a condition relating to the inclusion of such a system to be assessed in more detail
- h. Land to the east of Hawthorn Drive is marshy and prone to flooding, further information is required to address this  
**Response:** As above, any new developments require to incorporate a Sustainable Urban Drainage System to deal with run off. Any approval would require a condition relating to the inclusion of such a system to be assessed in more detail
- i. No indication of what level of affordable housing will be included  
**Response:** The local development plan assessed that there is no current need for a policy for the inclusion of affordable housing within the Shotts area.
- j. Application form is misleading in terms of the barn at the north of Torbothie Road, this has been restored for use but the application indicated that this was a ruin.  
**Response:** It was noted at the time of the site visit that the farm building was not in a state of disrepair, however as this area to the north of Torbothie Road is no longer included in the application site this information will not inform the current assessment being undertaken
- k. The local school is nearing capacity, how will this be addressed  
**Response:** NLC Education have been consulted and have advised that there is an issue with capacity in relation to the local primary schools. Should planning permission be granted a financial contribution would be required and this would be sought through a legal agreement which would be drafted and entered into prior to the issuing of any granting of permission.
- l. Concerns regarding the impact on local health services  
**Response:** These concerns are noted however the provision of such services is outwith the scope of the planning process.

- m. Ecological concerns and conservation of trees  
**Response:** Due to the proximity of the development to the rural areas to the eastern extent of Shotts an ecology report was submitted. This report indicates that the site itself does not have any protected species however the trees along the northern and eastern boundary are worthy of retention and provide a natural boundary to the edge of the settlement. Any approval should include conditions to require further ecological assessments be carried out prior to works on site to establish if the conditions have been changed. Conditions could also be imposed to protect the trees and the nearby Springhill bog during the construction process.
- n. Overall noise and general disturbance through construction process  
**Response:** The planning process, looks to ensure that the proposed use of the site is acceptable. In general the construction process is governed by NLC Environmental Health regulations
- o. General impact on nearby housing such as privacy, proximity of housing, loss of natural daylight, overshadowing  
**Response:** As this is an application for planning permission in principle the details provided are minimal. However a detailed layout and design would require to be submitted at a later stage should permission be granted and further neighbour notification would be carried out, at that time. These matters can be controlled by condition. In addition, should permission be granted a condition could be included to restrict the height of the proposed development to properties of one and a half storeys.
- p. Too much development in Torbothie area already  
**Response:** It is appreciated that there has been a significant level of development in and around Torbothie, however this area is designated as a general urban area and as such is considered an appropriate use for this site.
- q. Play facilities: recently removed from Torbothie  
**Response:** The planning process requires that developments over a certain size provide a play area within the development or make a financial contribution to local provision. In this instance the proposal shows that a play area would be provided within the development.
- r. Japanese Knotweed  
**Response:** The presence of Japanese Knotweed is noted, however this is not an appropriate reason to refuse an application. This invasive species can be eradicated, although it is appreciated that this can be a lengthy process.
- s. Prejudicial to Bells business operations by not providing information on mitigation measures on a large local employer  
**Response:** This is appreciated with the issue of noise and the lack of mitigation proposed being one of the reasons that it is being recommended that the application be refused at this time.
- t. Loss of open space and greenbelt land  
**Response:** The application site, in its current form, is not designated as Greenbelt, it is designated as a General Urban Area. This indicates that the principle of housing is acceptable. In addition, it is noted that this area is used informally and provides routes to the rural area beyond. The current indicative layout provided incorporates these walking routes and should this application be granted conditions could be included to ensure this connectivity is maintained.
- u. Assessment of air quality  
**Response:** NLC Environmental Health have been consulted, and it has not been highlighted that this is an area of concern.
- v. Development of this site is a prelude to further developments to the north  
**Response:** The application, in its current form, is contained within the designated urban area for the settlement and does not set a precedent for further development.

## 9. Conclusions

- 9.1 Whilst it is noted that the proposed development is located within an area designated as General

Urban Area (PP3) given there is insufficient and inadequate information to assess the impact of noise and coal mining hazards in the area, a competent decision on the impact and acceptability of the development cannot be made at this time. It is therefore recommended that planning permission be refused.

**Application No:**

23/00029/PPP

**Proposed Development:**

60 Holiday Lodges with Ancillary Manager's Dwellinghouse and Supporting Services (In Principle)

**Site Address:**

Bridgehill Farm  
 Blairmuckhole and Forrestdyke Road  
 Harthill  
 ML7 5TR

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**Date Registered:**

7th August 2023

**Applicant:**

Mr Zachary Anthony Williams  
 Vienna Rose Stables  
 Scotby Village  
 Carlisle  
 CA4 8DE

**Agent:**

TmC Planning  
 The Barn  
 Netherton Farm  
 Westcraigs Road  
 Harthill  
 ML7 5TT

**Application Level:**

Major Application

**Contrary to Development Plan:**

No

**Ward:**

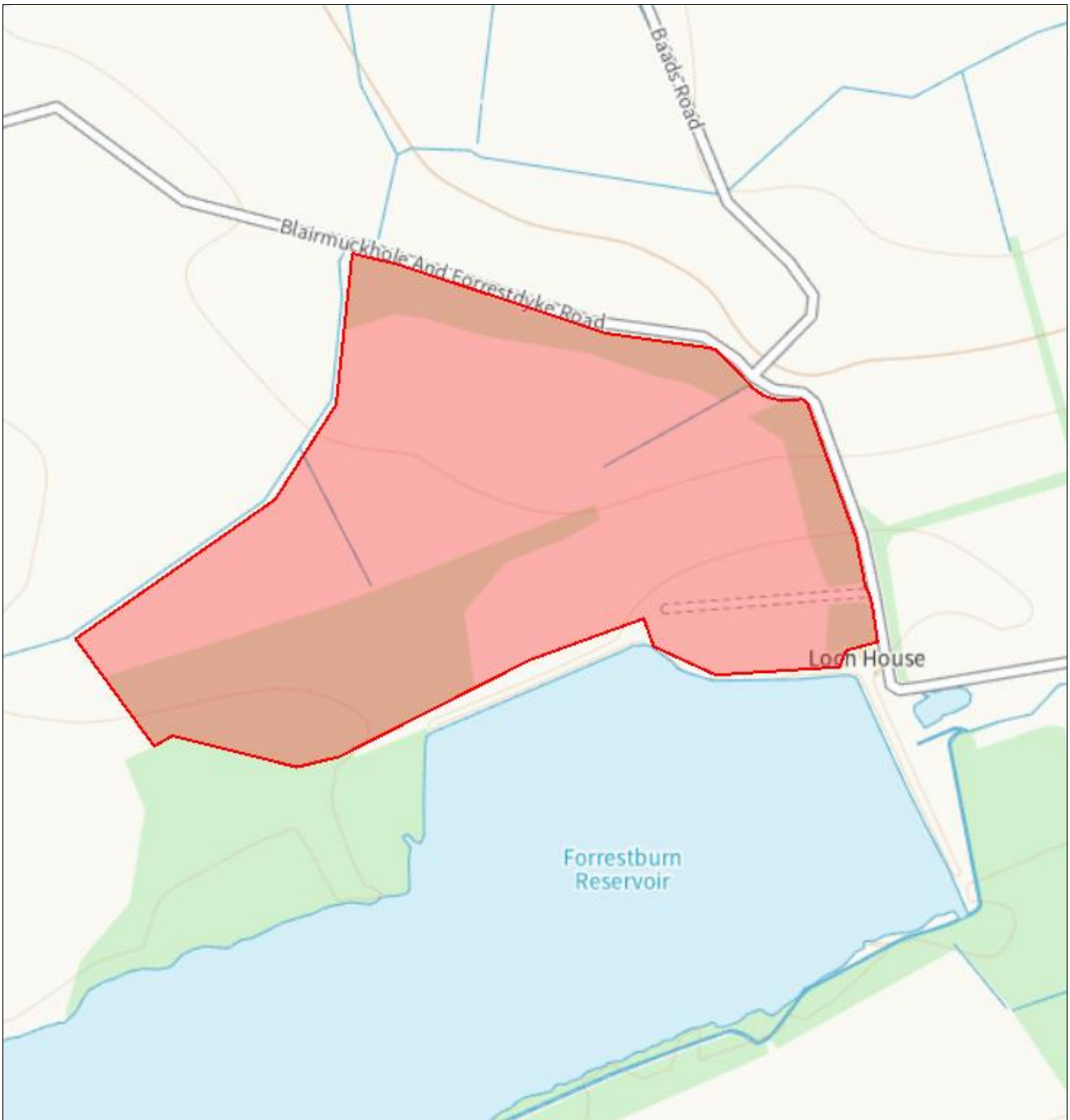
13 Fortissat  
 Martin McCulloch, Margaret Hughes, John Jo  
 Leckie, Clare Quigley

**Representations:**

12 letter(s) of representation received.

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

The proposed development fails to provide evidence of a specific locational requirement or to provide safe and suitable access to the site for vehicles, pedestrians and all road users. By virtue of its nature, scale and location the proposed development would result in sporadic and isolated development in the countryside and would have an adverse visual effect on the receiving landscape and on the visual amenity of the area contrary to the provisions of the Development Plan. Insufficient information has also been provided to demonstrate the viability of the business and its benefits to the local economy, that noise, flood risk and foul water drainage can be effectively mitigated and that biodiversity within the site will be protected and enhanced.



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**Planning Application: 23/00029/PPP**  
**Name (of applicant): Mr Zachary Anthony Williams**  
**Site Address: Bridgehill Farm**  
**Blairmuckhole And Forrestdyke Road**  
**Harthill**  
**ML7 5TR**  
**Development: 60 Holiday Lodges with Ancillary Manager's Dwellinghouse and Supporting Services (In Principle)**



**Recommendation: Refuse for the Following Reasons:-**

1. The proposed development fails to provide evidence of a specific locational requirement and, by virtue of its countryside designation, inaccessibility by public transport and absence of facilities and amenities within reasonable proximity, would result in sporadic and isolated development in the countryside and lead to unsustainable travel patterns, contrary to Policies PP5 (Purpose of Place) and AD5 (Amount of Development) of the North Lanarkshire Local Development Plan and Policy 1 (Tackling the climate and nature crises), Policy 2 (Climate mitigation and adaptation), Policy 13 b) ii and d) (Sustainable Transport), Policy 14 b) (Design, Quality and Place), 29 b) (Rural Development) and 30 b) iv (Tourism) of National Planning Framework 4.
2. The proposed development, by virtue of its nature and scale, would introduce an uncharacteristic change to a quiet and homogeneous area of the countryside that would have an adverse visual effect on the receiving landscape and on the visual amenity of the area contrary to Policies PP5 (Purpose of Place) and AD5 (Amount of Development) of the North Lanarkshire Local Development Plan and Policies 4 a) (Natural Environment), 14 a) and b) (Design, Quality and Place), 29 b) and c) iii (Rural Development) and 30 b) ii (Tourism) of National Planning Framework 4.
3. The proposed development fails to provide safe and suitable access to the site for vehicles, pedestrians and all road users, including provision of a suitable access road, passing places and adequate visibility splays contrary to Policies EDQ 1 (Site Appraisal) and EDQ3 (3 Quality of Development) of the North Lanarkshire Local Development Plan and Policies 13 b) i (Sustainable Transport) 18 b) (Infrastructure First) and 30 b) v (Tourism) of National Planning Framework 4.
4. Insufficient information has been provided to demonstrate the viability of the business and its benefits to the local economy, that noise, flood risk and foul water drainage can be effectively mitigated and that biodiversity within the site will be protected and enhanced. The proposed development is therefore considered to be contrary to the following policies,
  - a. Viability of the business and its benefits to the local economy - Policies PP5 (Purpose of Place) of the North Lanarkshire Local Development Plan and 29 c) i (Rural Development) and 30 b) i (Tourism) of National Planning Framework 4.
  - b. Noise – EDQ3 (Quality of Development) of the North Lanarkshire Local Development Plan and 23 e) (Health and Safety) of National Planning Framework 4.
  - c. Flood risk – Policies EDQ1 (Site Appraisal) and EDQ2 (Specific Features for Consideration) of the North Lanarkshire Local Development Plan and 22 (Flood Risk) and 23 (Health and Safety) of National Planning Framework 4.
  - d. Foul water drainage - Policies EDQ1 (Site Appraisal) and EDQ2 (Specific Features for Consideration) of the North Lanarkshire Local Development Plan and 18 a) (Infrastructure First) and 22 (Flood Risk) of National Planning Framework 4.
  - e. Biodiversity - Policy PROT A (Natural Environment and Green Network Assets) of the North Lanarkshire Local Development Plan and Policies 3 a) and b) (Biodiversity) and 4 d) (Natural Places) of National Planning Framework 4.

**Background Papers:**

**Consultation Responses:**

NLC Protective Services  
NLC Infrastructure & Transportation (Roads)  
NLC Greenspace & Country Parks  
NLC Infrastructure and Water Management  
Archaeology Consultant  
The Coal Authority (now known as The Coal Mining Remediation Authority)  
Scottish Water

**Contact Information:**

Any person wishing to inspect these documents should contact Ann McGregor at 01236 632500

**Report Date:**

24 March 2025

## APPLICATION NO. 23/00029/PPP

### REPORT

#### 1. Site Description

- 1.1 The application site is located in the countryside immediately north of Forrestburn Reservoir and Forrestburn Site of Interest to Nature Conservation (SINC) and is approximately 1.2km north of the M8 Motorway. The site occupies an area of 22 hectares of mixed quality agricultural land (Grade 4.1 - 5.3 Land Capability for Agricultural Map, Soil Scotland). The site is defined to the east and northeast by the Blairmuckhole and Forestdyke Road and to the south by the northern shoreline of the reservoir. Open fields with some woodland lie immediately to the north, northwest and southwest.
- 1.2 The site is formed of several irregular sized fields and rough grassland and dips gently down from the north and northwest to the centre of the site before rising south towards the reservoir shoreline. Occasional lengths of hedgerows and mixed species trees are visible along the eastern and northern boundary of the site. A denser area of woodland is present in the southwest corner of the site. This wooded area extends beyond the site boundary to the northern bank of the reservoir. The derelict remains of a former farmhouse and outbuilding, together with storage containers, occupy a small area in the southeast corner of the site. There is also evidence of fly tipping on the site
- 1.3 The surrounding landscape character type (LCT) is Plateau Moorland and the local landscape character area (LLCA) is Roughrigg / Forrestburn Plateau, a large-scale open landscape which is characterised by gently undulating topography and various man-made features including, quarries, bings, prominent vertical features, in particular the TV transmitting stations at Black Hill and Kirk O'Shotts and turbines. The landscape is dissected by the M8 transportation corridor. The openness and inter-visibility of the surrounding landscape enables medium to long distance views into the site, into adjacent fields and potentially into neighbouring Local Authority areas. Views into the site from Forrestburn Speed Hillclimb (400 metres west of the site edge), is likely to be particularly prominent.
- 1.4 The site is currently accessed from Blairmuckhole and Forestdyke Road (a single-track road to the south) via the connecting B7066 Hirst Road. The existing entrance to the site is located in the southeast corner of the site and is currently gated and locked to prevent unauthorised access to the reservoir.
- 1.5 The nearest residential property from the site is Baads Farmhouse (and Livery Yard), which lies approximately 752m to the north. A further isolated farmhouse lies approximately 772m to the east. The closest settlements are Eastfield (2.2 miles) and Harthill (2.5 miles) to the southeast, Blackridge (3.7 miles) to the northeast and Salsburgh (4.6 miles) to the southeast. The above settlements are located on the southern side of the M8 motorway.
- 1.6 The site is poorly served by public transport. The nearest bus stop is located on Church Street, in the village of Eastfield, some 1.9 miles (approx.) from the site. A further bus stop is located at Harthill Services North (eastbound) which is approximately 2.8 miles from the site. The nearest train station to the site is Blackridge which is approximately 5.8 miles from the site (1hr 47min walk).

#### 2. Proposed Development

- 2.1 The application seeks planning permission in principle for the siting of 60 two-bedroom holidays lodges and a 3-bedroom manager's dwelling house (60 lodges and 1 dwellinghouse in total), a workshop to build the lodges (this is not shown on the site plan and would be removed once the site is fully developed), a camping area with toilet block, social amenities such as go-karting and crazy golf, an office/reception, an entertainment centre/shop and other associated landscaping and infrastructure. Land levelling is also proposed due to the undulating nature of the site. The layout of the site is shown on the submitted 'Indicative Layout Plan' (undated).
- 2.2 The Applicant proposes that the lodges fall under the legal definition of a caravan in that they would be designed or adapted for human habitation and capable of being moved from one place to another [s29 (1) of the Caravan Sites and Control of Development Act 1960], they may include twin caravan units composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices [s13 (1) of the of The Caravan Sites Act 1968] and they are physically capable of being moved by road from one place to another and are no greater than 20 metres long, 6.8 metres wide and 3.05 metres in height when measured internally from floor to highest ceiling height [s13 (2) of the of The Caravan Sites Act 1968].



2.3 The proposed development would be accessed from a new priority junction on Blairmuckhole and Forrestdyke Road, opposite Baads Road as shown in Image 4.1 of the Transport Statement submitted in support of the application (annotated on the Site Plan as "Emergency Service Entry"). A second site access to the northwest is shown on the Site Plan; this access leads to a field drain and is a drawing error. The existing site access to the southeast is also shown on the Site Plan but it is unclear if this access will be utilised. It is understood that vehicular access to the site from the north of Blairmuckhole and Forrestdyke Road is partially constrained due to a section of this road being formed of a gravel surface. Blairmuckhole and Forrestdyke Road forms part of the core path network route NL/212/1.

### **3. Applicant's Supporting Information**

3.1 The application is accompanied by the following documentation:

- Pre-application Consultation Report (PAC Report) dated September 2022
- Planning Statement dated December 2022
- Mineral Stability Risk Assessment dated May 2023
- Preliminary Ecological Assessment (PEA) dated May 2023
- Flood Risk Assessment (FRA) dated August 2023
- Transport Statement dated August 2023 and Addendum (July 2024)
- Great Crested Newt Survey and Assessment dated June 2024
- Business Plan dated May 2023 and Updated Business Plan dated February 2024 (received 17 July 2024)

3.2 The Planning Authority received a Proposal of Application Notice (PoAN) on 29 July 2022 which indicated that the Applicant would host two web-based forums, in lieu of face to face public meetings, to allow interactive engagement with the public. The first presentation was to take place on 2 November 2022 between 5pm and 8pm and the second (opportunity to address representations) would take place on 8 December 2022 between 5pm and 8pm. The online method of consultation was at the time in line with The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021, and Scottish Government Coronavirus (COVID-19) guidance on the temporary suspension of the requirement for public events in relation to pre-application consultation (PAC). As the PoAN was given before 1 October 2022 and a formal application made prior to 31 March 2023, the method of consultation complies with the 2021 Modification Regulations.

3.3 The submitted PAC Report describes the methods by which public consultation was undertaken and reports on representations made by members of the community. The PAC Report notes that 8 members of the community, including Councillor Stevenson and Councillor McCulloch, attended at least one of the online events. The report also indicates that two email enquiries were received and lists points of concern raised during the online meeting(s) including: roads being inadequate for touring caravans; noise generation from the site; water sports activities on the reservoir; concerns relating to protection of the adjacent SINC/ ecology; land remediation in the event that the development ceases either during or after construction and provision of emergency access.

3.4 There are two anomalies in the PAC Report. The first relates to the proposed emergency access, where it is noted in the Report that following a stopping up order, the northern section of Blairmuckhole and Forrestdyke Road would be reinstated. However, there are no stopping up orders in place nor are there any proposals in the current submission to upgrade this section of road from gravel to tarmac. Similarly, a proposal for water sports was presented at PAC stage and initially in the current application (noted in paragraph 1.1 of the Business Plan dated May 2023). However, this element of the proposal has since been abandoned (as noted in paragraph 4.13 of the updated Business Plan dated February 2024).

### **4. Site History**

4.1 Preapplication advice was sought in April 2022 in connection with formation of a holiday park with around 60 chalets and associated infrastructure, including shops, entertainment building.

4.2 Application Reference 04/01307/NID for change of use of agricultural land to form a quad and scramble bike recreational facility and associated buildings and car park (in outline) was withdrawn in July 2008.

4.3 Application Reference 97/05099/FUL for use of land for motor racing circuit was withdrawn in July 2000.

## 5. Development Plan

5.1 The Development Plan consists of the National Planning Framework 4, Adopted on 13th February 2023 ('NPF4') and The North Lanarkshire Local Development Plan, Adopted 6th July 2022, ('the LDP').

5.2 The following LDP and NPF4 policies are relevant to the current application:

- NPF4 Policy 1 Tackling the climate and nature crises
- NPF4 Policy 2 Climate mitigation and adaptation
- NPF4 Policy 3 Biodiversity
- NPF4 Policy 4 Natural Places
- NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings
- NPF4 Policy 13 Sustainable Transport
- NPF4 Policy 14 Design, Quality and Place
- NPF4 Policy 18 Infrastructure First
- NPF4 Policy 20 Blue and Green Infrastructure
- NPF4 Policy 22 Flood Risk
- NPF4 Policy 23 Health and Safety
- NPF4 Policy 29 Rural Development
- NPF4 Policy 30 Tourism
- LDP Policy 2C Purpose of Place
- LDP Policy PP 5 Purpose of Place
- LDP Policy AD 5 Amount of Development
- LDP Policy PROT A Natural Environment and Green Network Assets
- LDP Policy EDQ 1 Site Appraisal
- LDP Policy EDQ 2 Specific Features for Consideration
- LDP Policy EDQ 3 Quality of Development

## 6. Consultations

6.1 **Archaeology Consultant** – Has no objection to the proposal subject to conditions. The following guidance was provided by the archaeological consultant: Bridgehill Farm was originally constructed in the late 18<sup>th</sup> or early 19<sup>th</sup> century and represents a period of agricultural expansion in Scotland. Its abandonment in the second half of the 20<sup>th</sup> century reflects the decline of farming. The farm's remains are of clear regional significance. However, whilst the proposed development would destroy these remains, the farm is not listed. An appropriate response is to record the remains before demolition by way of mitigation regarding the potential loss of the site. A condition to the effect would take the following form: No development shall take place within the development area until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, agreed by the local Archaeology Service and approved by the Planning Authority. For the guidance of the applicant, the WSI should be characterised by the following: 1) A Level Two Building Recording exercise; and 2) If this exercise identifies sites or objects of merit there should be proposals for further works potentially including excavation, post-excavation, publication and archiving.

6.2 **NLC Protective Services** – Has no objection to the proposal subject to conditions. Protective Services has offered the following comments: The proposed end use of the land is for a camp site comprising holiday lodges, with separate buildings including a dwellinghouse for on-site staff. Historical maps and other reports within the Planning file refer to historical coal mining in the vicinity of the site. As such before the development starts, a site investigation requires to be submitted to the satisfaction of the Local Authority with respect to potential ground contamination, including the risk of ground gas. This investigation must be carried out in accordance with the British Standard Code of Practice BS 10175:2011+A2:2017 "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 ground remediation strategy may be required. Before the development is occupied any remediation work identified via the site investigation process required must be completed and verification of required ground remediation works provided by the developer to

the satisfaction of the Local Authority.

- 6.3 **NLC Traffic & Transportation** – Recommends that the application is deferred pending satisfactory information to demonstrate that the following can be provided: vehicular visibility splays; in curtilage parking including staff car parking; refuse collection points illustrating the servicing arrangements and an autotrac diagram demonstrating that a refuse collection / service vehicle can enter and leave the site in a forward gear without reversing; satisfactory access road of 5.5m width along its length or a system of passing places incorporated to accommodate safe 2-way flow traffic. Additionally, appropriate surface water drainage should be provided to prevent surface water being discharged onto the public road. A copy of NLC Traffic & Transportation's comments were sent to the applicant's agent by email on 2 July 2024. However, at the time of writing, no further information has been submitted by the Applicant to satisfy any of the recommendations by NLC Traffic & Transportation.
- 6.4 **NLC Greenspace & Country Parks** – Has offered the following comments: A Preliminary Ecological Appraisal was undertaken on the site in May 2023 which states that there are no non-statutory nature conservation designations within 2km of the site. However, there are circa 6 Sites of Importance for Nature Conservation (SINC) within 2km of the site; the closest of which is Forrestburn Reservoir SINC which lies directly adjacent. Further information is required to determine any potential disturbance to badger setts within the vicinity of the proposal both during and post construction. Japanese knotweed (JK) was recorded within the site and as it is illegal to allow knotweed to grow in the wild under the Wildlife and Countryside Act (1981), a species management and eradication plan should be set up by a specialised contractor using an approved herbicide. If soil containing a tiny fragment of Japanese Knotweed is spread on or off site, it may regenerate facilitating the spread of this invasive species. Soil containing knotweed is classed as "controlled waste" under the Environmental Protection Act (1990) and should be disposed of in accordance with SEPA Technical Guidance Note 'On-site management of Japanese Knotweed and associated contaminated soils'. A full layout and landscape plan showing biodiversity enhancements should be submitted. A request for the information set out was sent to the Applicant's agent by an email dated 24 October 2023. At the time of writing, no information other than a Survey of Great Crested Newts has been received.
- 6.5 **NLC Infrastructure and Water Management** – Has objected to the application on the basis the initial proposal incorporated water sports (this element of the proposed development has since been withdrawn). However, concerns have also been raised regarding general development in the vicinity of the reservoir, which is owned and managed by NLC. Forrestburn Reservoir falls within SEPA's high risk category for reservoirs. This means that there are certain receptors in the downstream area, which would be impacted in the event of an uncontrolled release of water, including, for example domestic properties and critical roads infrastructure. The Council manages this risk through a regular inspection and maintenance programme; any damage caused to the dam structures due to water sports or other works could be expensive to repair and /or could lead to failure of the structure. The Council already has an issue with people removing stone protection from the foreshore to use for fire pits when camping or fishing; if the development were to bring an increased footfall to the reservoir, there would be concerns over additional removal of this material, unauthorised access to the reservoir and potential for damage to control valves and other operational infrastructure. In addition, the access road to the site is very narrow and, in its current form, unsuitable for construction vehicles.
- 6.6 **Scottish Water** – Has no objection to the proposal but have advised that this does not confirm that the proposed development can currently be serviced. Whilst they have advised that at this time there is currently sufficient water capacity in the Dear Water Treatment Works their records indicate there is no public Scottish Water waste water infrastructure within the vicinity of the proposal. The applicant would therefore have to investigate private treatment options.
- 6.7 **The Coal Authority (Now known as the Mining Remediation Authority)** – Has no objection to the proposal and considers that the content and conclusions of the submitted Mineral Risk Assessment Report are sufficient for the purposes of the proposed development and demonstrate that the application site is, or can be made, safe and stable for the proposed development. However, further detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building warrant application.

## 7. Representations

- 7.1 Following press advertisements and a period of neighbour notification, the Planning Authority received 12 letters of objection, including objections from Harthill & Eastfield Community Council and Salsburgh Community Council. The grounds of objection are summarised as follows:

- **Objection – Community Councils Not Consulted During PAC Process:** There are three Community Councils that have a legal interest in the proposed development. These are: Harthill & Eastfield Community Council, Caldercruix Community Council and Salsburgh Community Council. Harthill & Eastfield Community Council, Caldercruix Community Council have advised that they were not included in the consultation process. The Applicant's agent consulted Salsburgh Community Council in private.

Response: There is a requirement to undertake pre-application consultation with every community council any part of whose area is within or adjoins the proposed development site in accordance with Regulation 7 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. In the case of the current application, this would include Salsburgh Community Council (the community council area in which the application is located) and Harthill & Eastfield Community Council (the community council area which adjoins the site to the east). There was no legal requirement to consult Caldercruix Community Council. Salsburgh Community Council has lodged an objection to the application and has confirmed that the Applicant's agent attended a regular open Community Council meeting. Harthill & Eastfield Community Council has also lodged an objection to the application; these grounds of objection do not reference lack of consultation.

- **Objection – Pre-Application Consultation (PAC) Not Conducted in Proper Manner:** A number of objections have been received from several individuals who attended the public meeting. The nature of the objections relates to the conduct of the Applicant's agent during the public events, including presentation of the information whilst driving.

Response: Whilst at the time, the online method of consultation was in accordance with the COVID 2021 Regulations and Scottish Government Coronavirus (COVID-19) (guidance on the temporary suspension of the requirement for public events), the online presentation appears to have fallen below professional standards. The Applicant's agent has advised that these circumstances arose due to a family emergency. The conduct of the Applicant's agent is not a material planning matter and cannot be addressed any further in this report.

- **Objection - Site Access:** The visibility splays at the proposed site entrance adjacent to Baads Road are significantly less than the splay dimensions at the existing entrance to Bridgehill Farm. The bend in the road at the proposed site access is difficult to negotiate, particularly for larger vehicles. The road is also single track and land either side of the bend/ proposed site entrance is on a higher elevation, without passing places. In the winter months it would not be possible for vehicles to pass each other. The PAC proposals showed an access off the existing entrance to Bridgehill Farm where there is established sightlines/ infrastructure; it therefore makes no sense to locate the site entrance at the Baads Road junction, as it is unviable as a site entrance for any vehicle, far less for service/emergency vehicles. Further, the plans show another main entrance to the northwest of the application site. Clarification is required as to where exactly the main entrance to the proposed development will be sited.

Response: The second access shown on the Site Plan to the northwest is a drawing error that the Applicant has failed to correct. The proposed site access would be formed from a new priority junction on Blairmuckhole and Forrestdyke Road opposite to Baads Road which leads to Baads Farm. The proposed vehicular visibility splays are 2.4m x 25m based on the results of a speed survey (mean speeds of 10mph) which appears extremely low and is disputed. Consequently, the proposed visibility splays are not acceptable. The minimum visibility splay that would be considered for a new access within a high-speed unlit rural road is 9m x 90 – 120m Y distance (dependent on realistic 85 percentile speeds).

- **Objection – Absence of Passing Places, Footways:** The submitted Transportation Statement states that there have been no accidents recorded on the road leading to Bridgehill Farm (Blairmuckhole and Forrestdyke Road). However, it has omitted the occurrence of regular incidents which are not included in official data whereby vehicles are stuck in the verges and block the road within the present parameters of current traffic numbers on the road due to the narrow road with and absence of passing places. With the anticipated increased traffic volume, this problem will be increased dramatically.

Response. The current proposal makes no provision for road widening and/or incorporation of additional passing places or footways. Without accommodating safe 2-way flow traffic, the proposed access road is not considered suitable for the volume of traffic proposed and/or for construction or delivery vehicles.

- **Objection – Traffic and Pedestrian Safety:** The development not only adds to individual car usage but actively encourages more individual car usage and there are no mitigating factors to make the development acceptable. The road network, coupled with the absence of passing places and footways would lead to serious safety issues and concerns for pedestrians, walkers, cyclists and riders on horseback along the full stretch of Blairmuckhole and Forestdyke Road. The development also poses a risk of injury to cattle from the nearby farm when crossing the road to other fields.

Response: The above objection is not disputed. Without accommodating a safe 2-way flow, that can accommodate vehicles and pedestrians (incl. walkers, cyclists and, those on horseback) the road network is not considered to be suitable for the volume of traffic proposed.

- **Objection - Absence of Refuse Collection Points:** Refuse and sewage services would not be able to regularly attend the site for the purposes of collection /maintenance due to access issues.

Response: The Applicant has not provided details to illustrate servicing arrangements and/or an autotrac diagram demonstrating that a refuse collection / service vehicle can enter and leave the site in a forward gear without reversing. Additionally, the Applicant has not provided a plan showing the location of refuse collection points within 25 metres of the public road.

- **Objection – Absence of Ecological Appraisal:** There is a significant amount of wildlife in and around Bridgehill Farm including protected species such as great crested newts, badgers, and birds of prey. There have been no documents submitted in respect of the detrimental effect that this proposed development will have on the existing wildlife

Response: Ecological Appraisals submitted in support of applications are marked sensitive and are not viewable to the public. Whilst the Applicant has submitted a Preliminary Ecological Appraisal and Great Crested Newt Survey, some information is still outstanding. Therefore, a proper assessment of the ecological effects of the development cannot be determined at this stage.

- **Objection – Land Ownership:** The Landownership certificate does not correspond with the title. Accordingly, the certificate is procedurally flawed. The inclusion of land outside the Applicant's ownership to accommodate the proposed access necessitates a new application.

Response: When validating an application, the Planning Authority generally accepts that the certificates have been completed accurately and in good faith by an Applicant. All adjoining landowners within 20 metres of the application site (red line boundary plan) are consulted and the application is also advertised in the local press. Similarly, where, during the assessment of the application, off-site works are required to make development acceptable, the Applicant must demonstrate to the Planning Authority (during the live stage) that he has either control over the land in question and/or that consent from adjoining landowners has been granted. Conditions can be imposed under s41 of the Town and Country Planning (Scotland) Act 1997 as amended, to regulate the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or to require the carrying out of works on any such land, so far as appears expedient for the purposes of or in connection with the development authorised by the permission. However, the Applicant has failed to demonstrate either ownership or control over any land outside the application site boundary.

- **Objection – Bad Neighbour Development:** The application form should be updated and the application processed as Bad Neighbour Development.

Response: Whilst it is not always possible at validation stage to determine whether a proposed development squarely fits within the class of development that would constitute Bad Neighbour Development as described in Schedule 3 (8) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as amended, Policy EDQ1 Site Appraisal, requires that development should be appraised for the existence and impact of Bad Neighbour Development to ensure that harm to neighbouring amenity is prevented. In the absence of information to suggest otherwise, the development as proposed is likely to generate unacceptable impacts on the amenity of neighbouring farm dwellings and on the surrounding road network and could potentially introduce significant change to a homogeneous area [(8) (e) of Schedule 3].

- **Objection – Distant from Visitor Attractions:** The proposed site is not in proximity to visitor attractions, unlike other holiday parks, which further questions the viability of such a proposed development.

Response: A list of visitor attractions is contained in Table 3.3: of the Business Plan. It is noted that none of the visitor attractions listed are within reasonable walking distance to the site; the closest being Forrestburn Hillclimb, which is 2.4 miles from the site according to Table 3.3.

- **Objection – Poor Layout/Outlook/Design:** The Planning Statement claims that the lodges will have a view of the reservoir. However, the jetty/reservoir wall is on a steep upwards incline towards the reservoir, therefore no part of the proposed development will have a view of the reservoir. There are no advantages to siting the proposed lodges in this location. Additionally, the visual appearance of the proposed development and its relationship to its surroundings including, building materials, building height, scale, massing, design, density and layout of development and landscaping proposals are not suited to the location.

Response: Site levels vary from 225m AOD at the existing site entrance in the southeast corner of the site to 210m AOD in the centre of the site (where the lodges will be sited). Therefore, it is unlikely that the lodges will have a view of the reservoir or beyond. The design, materials and layout of the site are matters that could be controlled by condition if the application was granted planning permission.

- **Objection - Noise and Disturbance:** Both the proposed go-karting activities and entertainment centre could present issues of noise /disturbance to nearby residents, (more so if the entertainment centre is open in the evenings).

Response: This is not disputed. No information has been submitted regarding noise levels relative to the entertainment centre, including hours of operation/type of entertainment.

- **Objection – Fly Tipping:** The area already experiences ongoing issues of rubbish tipping which may increase with the new development.

Response: Whilst there is no evidence to support this claim, no information has been provided regarding refuse storage and/or refuse collection.

- **Objection – Use of Site for Manufacturing:** Scotia Park Homes wish to manufacture the proposed 60 chalets on site and on completion, continue to manufacture for export, thus establishing a permanent manufacturing facility at this location. There is no specific locational need for a manufacturing facility of this kind at a rural location.

Response: The Applicant has since withdrawn this aspect of the proposal to manufacture additional lodges onsite, outside of those proposed in the current application.

- **Objection – Dispute Brownfield Classification:** It is stated that the site is brownfield site. However, it has always been agricultural land. Changes in landownership over the years have resulted in the original farmhouse and outbuildings being demolished. If the metal containers and building materials were removed, only the original hard standing of the farm buildings would be left. Beyond that, the farmland is as it was, but un-grazed

Response: Only a very small area in the southeast corner of the site, falls under the definition of brownfield land. The remainder of the site is agricultural land/greenfield/countryside.

- **Objection – Inconsistencies in Submission:** It is unclear how many lodges are being proposed as well as touring caravans. If the lodges are wheeled, there is no need to manufacture them on site. The application raises doubts as to whether the site will be used by travellers and not tourists.

Response: The application seeks planning permission in principle for the siting of 60 two-bedroom holidays lodges and a 3-bedroom manager's dwelling house (60 lodges and 1 dwellinghouse in total), a workshop to build the lodges (which would be removed once the site is fully developed), a camping area with toilet block and social amenities. As the application is submitted in principle only and essentially seeks a change of use of the land to holiday park (to accommodate lodges/mobile homes and a camping site), the number and type of lodges proposed at this stage is indicative only.

- **Objection – Management of Holiday Park/ Use of Lodges:** Since the applicant seeks permission for a holiday park, he needs to be specific at this stage about the length of the closed season he proposes, if any. Clarification is important to prevent the park becoming fully residential by stealth. At that point, the development would represent a substantial new settlement in the area and not a holiday park.

Response: The Applicant has indicated in his Business Plan, which due to commercial sensitivity is not made public, that the lodges would be used as holiday homes, whereby purchasers would enter into a legal agreement with Scotia Park Homes to prohibit use of the lodge as a principal or second home. The purchasers would only be permitted to rent the lodges as holiday properties and all rentals would be managed by Scotia Park Homes. Scotia Park Homes would therefore control over all holiday rentals, including their own stock and that of the purchasers. The Planning Authority has not received a draft copy of the said legal agreement to which the Business Plan refers. Nor have details of Scotia Homes' experience/ expertise and/or track record in the field of holiday park management been provided to the Planning Authority. Further, no details have been provided in relation to the experience of individual managers or personnel. In terms of length of occupancy in any given period, this could, to some degree, be controlled by a condition attached to any grant of planning permission.

- **Objection – Business Viability:** The proposed development has already been reduced in terms of financial viability since first proposed. Firstly, the water sports facility on the reservoir itself has been dropped together with that of the accommodation of touring caravans and the proposed industrial element. The former would have been subject to an agreement with North Lanarkshire Council who own the reservoir. The latter is an acknowledgement of the unsuitability of the available road infrastructure for towed vehicles.

Response: The above objection is not disputed. The submitted Business Plan falls short in several areas. No details have been submitted in respect of: history of Scotia Homes (expertise/track record of similar projects); staffing (details of management/ personnel including qualifications or experience of managing similar business); market (geographical territory/customers) and/or marketing strategy; financial analysis (projections, investment and return); previous years accounts; details of how the park would be managed and maintained (including seasonal and hours of operations); and risk analysis.

- **Objection – Economic Benefits Unsustainable:** The Planning Statement also claims that the development will bring economic improvement to the Fortissat and Caldercruix area. Any perceived employment for the proposed development will not be sustainable as Blairmuckhole and Forestdyke Road from the south and north are inaccessible in winter and summer months.

Response: The business case submitted in support of the proposed development has not demonstrated economic benefits to the local economy or commercial viability.

## 8. Planning Assessment

- 8.1 Section 25 (1) of the Town and Country Planning (Scotland) Act 1997 as amended ('the Act') provides that, where in making a determination under the Planning Acts, regard is to be had to the Development Plan unless material considerations indicate otherwise. The Development Plan consists of National Planning Framework 4 (NPF4, February 2023) and the North Lanarkshire Local Development Plan (LDP, July 2022) and the determination of the application must be made in accordance with both. In the event of any incompatibility between the two, NPF4 being later in date is to prevail (Section 24 (3) of the Act). Statements in NPF4 are also material to the determination of the application. With regard to decision making, development that accords with the Development Plan should therefore be approved unless the adverse effects of the development would significantly and demonstrably outweigh any benefits that the development could expect to deliver.
- 8.2 The proposed development covers an area of land of 22 hectares and therefore requires to be screened under Schedule 2 (12) (e) 'Permanent camp sites and caravan sites' of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, to determine whether the development would require a full Environmental Impact Assessment (EIA). Whilst the development is not located in a sensitive area in the context of the EIA Regulations, the information submitted in support of the application should address any significant effects of the development and/or propose mitigation to reduce the effects. In the absence of information to address effects or mitigation to reduce effects, it is difficult to establish whether an EIA would be required. The development as proposed, is likely to have significant adverse effects on the road network, on the general amenity of the area and potentially on human health. However, significant effects if suitably mitigated do not necessarily have to be addressed in an EIA and are matters that can be assessed through the submission of individual detailed technical reports.

### Principle of the Development

- 8.3 The application site is located in the designated countryside and proposes 60 lodges and a manager's

dwelling house, together with a shop and entertainment centre, go-karting, crazy golf and associated development. Development in the countryside is addressed in Policies PP5 Purpose of Place and AD5 Amount of Development of the LDP, and in Policies 4 a) Natural Places and 29 b) Rural Development of NPF4. As with the current application, proposals for specific tourist related development (outside the Visitor Economy Areas/ Locations identified in Placemaking Policy 2C Purpose of Place of the LDP) must also be determined in accordance with Policy 30 (b) Tourism of NPF4. All development should prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably in accordance with Policy 13 Sustainable Transport of NPF4. Development should also be designed to improve the quality of an area whether in urban or rural locations and regardless of scale in accordance with Policy 14 a) Design, Quality and Place of NPF4.

- 8.4 For the purpose of establishing the principle of the development at this location, it is necessary to consider whether the evidence submitted in support of the application demonstrates a specific locational requirement for the development and that it is compatible with the countryside in accordance with Policy PP5 of the LDP. Information in support of the development is contained in the submitted Business Plan, Planning Statement and Transport Statement.
- 8.5 The matters to be established in principle include: the nature, scale and compatibility of the development with its countryside location; the potential effects of increased visitors on the countryside and on the natural environment; opportunities for sustainable travel to the development and the contribution of the development to the local economy. The above matters are examined at high-level to determine if the development is in accordance with Policies PP5 and AD5 of the LDP, both of which resist pressure for sporadic and isolated development in the countryside, whilst supporting limited development, including visitor economy related development, subject to an 'assessment of appropriateness'. An assessment of appropriateness includes, but is not limited to:
- accessibility by sustainable modes of transport;
  - scale, nature and impact of the development on travel patterns;
  - compatibility with the countryside
  - contribution to the local economy;
  - evidence of a specific locational requirement;

#### *Access and Accessibility by Sustainable Modes of Transport*

- 8.6 In parallel with Policies PP5 and AD5 of the LDP, Policies 13 b) ii, 29 b) and 30 b) iv of NPF4 require development to take account of rural transport needs. Subsection b) of Policy 29 also requires development to contribute towards local living and subsection c) of the policy requires development to support employment, sustain existing communities and to be suitable in terms of location, access, siting, design and environmental impact. Similarly, Policy 14 b) requires that development (urban or rural) is supported by well connected networks that make moving around easy and reduce car dependency.
- 8.7 Policy EDQ1 Site Appraisal and Policy EDQ3 Quality of Development require development to provide suitable safe access including site entrances, roads, paths and visibility splays to the site. The proposed development would be accessed from a new priority junction off Blairmuckhole and Forestdyke Road and Baads Road; the former, is a single-track tarmac road that connects to the B7066 Hirst Road/Edinburgh Road. However, no evidence has been submitted to show that the required visibility splays could be achieved at the proposed junction or that safe 2-way traffic flow can be achieved on the Blairmuckhole and Forestdyke Road (the access road) for construction, delivery and/or private vehicles and/or that sufficient passing places exist or can be accommodated on this road, contrary to Policies EDQ1 and EDQ3 of the LDP (this is also discussed further in paragraphs 8.20 to 8.22 of this report).
- 8.8 Further, there are no public transport facilities close and/or within reasonable walking distance to the development (reasonable walking distance in a rural area is 600-1000 metres in accordance with STAG Technical Database December 2013). The nearest bus stop is located on Church Street, in the village of Eastfield, some 1.9 miles (approx. 3057 metres.) from the site on the southern side of the M8 motorway. A further bus stop is located at Harthill Services North (eastbound) which is approximately 2.8 miles (4506 metres) from the site. The nearest train station to the site is Blackridge which is approximately 5.8 miles from the site (9334 metres and 1hr 47min walk). The development would be wholly dependent on the use of private vehicles and, consequently, is likely to generate a high volume of vehicular trips, contrary to Policies PP5 and AD5 of the LDP and Policies 13 b) ii and d), 29 b) and Policy 30 b) iv of NPF4.



### *Scale, Nature and Impact of the Development on Travel Patterns*

- 8.9 The site is not served by any local services, shops and/or amenities and whilst it is recognised that a small shop and 'entertainment centre' would be provided on site, it is doubtful that either could provide a sufficient range of goods or services to support a development of the scale proposed. In any event, it is difficult to see how delivery vehicles could access the site without provision of a suitable access and/or a suitable 2-way flow road network. A limited range of services and facilities are available in the settlements of Eastfield (2.2 miles) and Harthill (2.5 miles) to the southeast of the site, in Blackridge (3.7 miles) to the northeast and, in Salsburgh (4.6 miles) to the southeast. However, in the absence of public transport to serve the site, it is likely that prospective occupants of the lodges would resort to the use of private vehicles to make the journey to and from the settlements for day-to-day convenience goods. Furthermore, there are few visitor attractions nearby that would draw tourists to the area and/or residential properties to necessitate a demand for the provision of public transport services. The nearest visitor attraction is Forrestburn Hillclimb, which is 2.4 miles away and is only accessible by car. The development would be relatively isolated and in the absence of public transport provision, services and amenities prospective occupiers of the lodges would be heavily dependent on the use of private vehicles to access basic amenities which would lead to unacceptable travel patterns. For the above reasons, the development would constitute a significant travel generating use of the site and would fail to contribute towards local living contrary to Policies 13 b) ii and d), 29 b) and 30 b) iv of NPF4.

### *Compatibility with the Countryside*

- 8.10 Policy 30(b) ii of NPF4 requires that development for tourist facilities or visitor accommodation is compatible with the surrounding area, taking account of the impacts of increased visitors on the area. Policy 4a) of NPF4 is worded more negatively to restrict development that, which by virtue of type, location or scale, has unacceptable impacts on the natural environment. The large scale and intensive nature of the development, coupled with its relatively isolated location and the considerable vehicular trips that it would generate, would introduce a significant change to an otherwise quiet, homogeneous area of the countryside. This would undoubtedly lead to undesirable physical and visual adverse effects on the countryside and the natural environment contrary to Policies PP5 and AD5 of the LDP and Policies 4a), 14 a) and b), 29 b) and c) iii and 30 b) ii of NPF4.

### *Contribution to the Local Economy*

- 8.11 Much of the information contained in the Business Plan submitted in support of the application is based on anecdotal evidence and presents as a hypothetical business operating in an untested market. The Business Plan states that the development would generate 10 FTE jobs (including 8 full-time jobs, 4 part-time jobs and 2 seasonal jobs), create opportunities for supply chain benefits and that the 'ripple effect' of the development is likely to support a range of local businesses, and potentially support new business activity. However, no evidence has been presented in the Business Plan to corroborate the demand for 10 FTE jobs or to demonstrate viability of the business and/or a demand for a development of this nature in this location. The purported FTE jobs, supply chain benefits and ripple effects have not been sufficiently demonstrated in the supporting Business Plan. The net economic benefits of the development are discussed further in paragraphs 8.14 to 8.19 below. It is therefore considered that the development fails to meet the requirements of Policy PP5 of the LDP and Policies 29 c) i and 30 b) i of NPF4.

### *Evidence of a Specific Locational Requirement*

- 8.12 In view of the development's evident physical site constraints, relatively isolated location, reliance on private car, unsubstantiated contribution to the local economy, there is no evidence to justify a specific locational requirement for the development or to demonstrate that there are no suitable alternative sites for the proposed development. The principle of the proposed development has not therefore been established and the development, in its current form, is contrary to Policies PP5 and AD5 of the LDP and Policies 13, 14, 29 and 30 of NPF4.
- 8.13 The initial appraisal of the development (above) is advanced further under the following headings:

#### **Business Plan**

- 8.14 Policy PP5 Purpose of Place of the LDP requires that development in the countryside is supported by a Business Plan and provides evidence that the proposal will result in significant economic benefit. Policy 29 a) Rural Development of NPF4 supports development proposals that contribute to the

viability, sustainability and diversity of rural communities and local rural economy. It provides a non-exhaustive list of typical development proposals that would be supported and whilst the policy does not preclude development of the type proposed, the inference is that all development in the rural area should contribute to the viability and sustainability of the local rural economy, and ordinarily be demonstrated in a robust Business Plan. Similarly, Policy 30 b) i. Tourism of NPF4 requires tourism related development to take account of contribution to the local economy.

#### *Net Economic Benefit*

- 8.15 The Applicant's agent has advised that the business case in support of the application draws on guidance provided in the Scottish Government's Draft Advice on 'Net Economic Benefit and Planning' dated March 2016. Whilst the draft guidance is a useful tool for assessing the development's contribution to the local economy, it has not been formally published by Scottish Government and accordingly, can be given little weight. To facilitate the progress of the application, the Applicant was given a business plan template by email on 24 October 2023, together with an explanatory note setting out the basic information that ought to be included in a business plan. However, the Applicant's agent was of the view that a business plan containing commercially sensitive information and/or financial considerations was not a material planning consideration.
- 8.16 The Business Plan states that, "*Based on a GVA per construction employee in North Lanarkshire of £44,749 per annum, it is estimated that the proposed development would generate an additional £1.3 million for the local economy*". However, this does not take account of the deadweight effects, as is recommended in the Draft Advice. The deadweight effect is when there is little or no beneficial impacts that would not have occurred in any event. The net economic benefit of the development in terms of additionality is likely to be much lower than predicted by the Applicant due to the deadweight effect, that is, "*...because the same or a similar development could have been accommodated on another site in the local authority area which has been identified as suitable for that type of development*" (paragraph 13 of Draft on 'Net Economic Benefit and Planning'). There are other well established Visitor Economy Sites and Locations allocated in the LDP and potentially other non-established /less constrained sites that are more capable of accommodating a development of this nature. Notwithstanding, any potential net economic benefits of the development would have to be weighed against other environmental factors and policy conflicts.

#### *Market Demand*

- 8.17 The Business Plan includes "*an initial market appraisal of demand based on 'a review of demand generators, visitor statistics and an assessment of other supply in the area'*", and reports that "*there is limited supply, and nothing directly comparable to the proposals at Forrestburn Reservoir. Similarly, none of the sites are close to Forrestburn Reservoir. The fact that there is nothing comparable and nothing located within 14 miles suggests there is a clearly an opportunity to increase the provision locally and grow the holiday park sector, which can support the growth of the local tourism sector which is underrepresented locally*". The initial proposal offered water sports and an area for touring caravans, which may have provided the backbone to the development or unique selling point. However, both the water sports and touring caravan proposals have since been abandoned. The argument advanced by the Applicant that the development would create an opportunity to increase the provision locally and that there is nothing comparable, suggesting that the development would have competitive edge over other existing tourist related sites, is therefore not considered to be persuasive.
- 8.18 Further, no information has been included in the Business Plan to address any of the following details: the target market or size of the market; the marketing strategy; details of the company that would be managing the facility including details of personnel (staff, skills and experience in the industry)' last 2-3 years business accounts or loan finance to demonstrate financial viability' details of revenue forecast; SWOT analysis' risk strategy and/or legal and insurance requirements. Tourist related development in the countryside cannot be supported unless presented with a viable business plan that provides detailed information on the tourist offering, the unique selling point and a tailored market analysis, that goes beyond generic research and demonstrates demand for the development which cannot or is not already being met by other allocated sites.
- 8.18 The Business Plan, in its current form, fails to address the basic requirements that would allow a proper assessment of the viability of the business and benefits to the local rural economy. For this reason, the development fails to meet the requirements of Policy PP5 of the LDP and Policy 29 c) i and 30 b) i. of NPF4.

## Traffic and Transport

- 8.20 Policy EDQ1 Site Appraisal and EDQ 3 Quality of Development of the LDP will only be permit development where high standards of site planning and sustainable design are achieved, including, but not limited to, sustainable and safe access for cars and all road users. Similarly, Policy 13 b) i of NPF4 requires development to provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation whilst Policy 30 b) v. of NPF4 expressly requires that tourist related development is accessible for disabled people. Where the above infrastructure is not or cannot be provided and the impacts of the development on existing infrastructure cannot be mitigated, the development will not be supported in accordance with Policy 18 b) Infrastructure First of NPF4.
- 8.21 The development would be accessed off Blairmuckhole and Forestdyke Road, a single-track tarmac road, at a new priority junction with Baads Road. The existing carriageway is not wide enough to accommodate safe 2-way traffic flow and there are limited passing places along the length of the road to enable vehicles to pass safely. There are no proposals in the current application to widen the road and /or to create more passing places on Blairmuckhole and Forestdyke Road . Furthermore, no evidence has been provided to either demonstrate that the required visibility splays (9m x 90 – 120m Y distance dependent on realistic 85 percentile speeds) can be achieved or that the developer has control over the adjacent land to facilitate this. The Applicant has also failed to provide details to illustrate servicing arrangements for refuse collection and an autotrac diagram to demonstrate that a refuse collection / service vehicle can enter and leave the site in a forward gear without reversing, despite receiving a request for this information. Due to manoeuvring challenges, the absence of the required visibility splays and the constraints posed by the narrow, bending carriageway, it is unlikely that any large refuse vehicles, construction vehicles and/or delivery vehicles could enter or exit the site safely without potentially endangering vulnerable road users and other vehicles. The Infrastructure and Transportation Team were consulted and have advised, that the application is deferred pending further information in respect to visibility splays and autotrac diagrams for refuse collection, amongst other information. In its current form, the proposed access off Blairmuckhole and Forestdyke Road /Baads Road is unacceptable and for that reason fails to meet the requirements of Policy EDQ 3 of the LDP and Policies 13 b) i and 30 b) v. of NPF4.
- 8.22 In view of the lack of public transport provision within reasonable walking distance to the site, as indicated in paragraphs 8.6 to 8.8 of this report, access to the development would be wholly dependent on unsustainable modes of transport. In terms of location and access, the development fails to take account of rural transport needs or contribute towards local living contrary to Policies 13 b) ii, 29 b) and 30 b) iv of NPF4

## Ecology

- 8.23 The site lies adjacent to Forrestburn Reservoir, a Site of Importance for Nature Conservation (SINC). SINC's are protected by Policy PROT A Natural Environment and Green Network Assets (Category A3 Local Sites) of the LDP and by Policy 4 d) Natural Places of NPF4. In each case, development affecting a local site will only be supported if it can be demonstrated to the Planning Authority's satisfaction that there will be no adverse effects or that impacts can be mitigated. Where significant adverse effects are identified, they should be clearly outweighed by social, environmental or economic benefits of at least local importance.
- 8.24 The application is accompanied by a Preliminary Ecological Appraisal (PEA) dated May 2023 and a Great Crested Newt Survey (GCNS) and Assessment dated June 2024. The PEA states that there are no non-statutory nature conservation designations within 2km of the site. However, there are at least 6 SINC's within 2km of the site, including Forrestburn Reservoir SINC immediately adjacent. In terms of addressing effects on protected species, the Applicant was advised to consider potential disturbance to badgers both during and post construction. However, to date only details to mitigate disturbance to badgers during construction have been provided.
- 8.25 The main area of the site is dominated by marshy grassland which provides suitable habitat for protected species, including ground nesting birds, common reptiles and amphibians with one species of small newt found on site. In accordance with Policy 3 a) and b) Biodiversity of NPF4, development proposals for major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention; this will include future management. Accordingly, NLC Greenspace & Country Parks requested that the Applicant provide a site wide layout plan and landscape plan to demonstrate biodiversity enhancements in line with the requirements of the policy.

However, the Applicant responded to advise that it was not necessary to provide a site wide plan for this purpose given that the application was submitted in principle.

- 8.26 Whilst the submitted GCN Survey recommends certain biodiversity enhancements, namely that a wildlife pond of 5m x 10m should be provided within or nearby the site for the purpose of biodiversity enhancement, at the time of writing no formal proposals for biodiversity enhancement, including a site wide plan showing biodiversity enhancements, have been put forward by the Applicant. The proposed development therefore fails to address the requirements of Policy 3 of NPF4 and it has not been possible to fully assess the impacts on the adjacent SINC or on natural environment in line with the requirements of Policy PROT A of the LDP and Policies 3 a) and b) and 4 d) of NPF4.

### **Landscape and Visual Impact**

- 8.27 Policy PP5 Purpose of Place of the LDP seeks to protect and enhance local landscape by resisting pressure for sporadic or isolated development in the countryside. Whilst Policy EDQ 1 Site Appraisal of the LDP requires development to successfully integrate with landscape character. Policy 4 a) Natural Places of NPF4 is worded negatively to prevent development that, by virtue of type, location or scale would have an unacceptable impact on the natural environment; the natural environment in this instance extends to local landscape character. This is expanded on in Annex D – Six Qualities of Successful Places of NPF4, which is also material to the determination of the application and provides that a successful place is one that connects with nature including natural landscape, existing landforms and features, including blue and green infrastructure, to ensure that development is distinctive, reinforces identity and creates a sense of place.
- 8.28 The development is located in the Plateau Moorland Landscape Character Type (LCT) and the Roughrigg/Forrestburn Plateau Local Landscape Character Area (LLCA). The latter, as described in the Fortissat Ward Wind Energy Landscape Capacity Study (December 2013), consists mostly of an open exposed landscape featuring open water reservoirs and prominent linear features, allowing open and distant views and intervisibility with other landscapes. In terms of perceptual criteria, the Roughrigg/Forrestburn Plateau LLCA is described as containing a sense of remoteness with some human activity and movement. Due to the open nature of the LLCA, coupled with the scale of the development, associated car dependency and proposals to cut and fill areas within the site to level the land, it is likely that the development will be visually prominent in the landscape. Whilst the LLCA is not a protected landscape and conversely is described in the Capacity Study as being of low value in certain pockets (owing to other prominent infrastructure), it is nevertheless important to firstly consider, in the context of the application site and immediate surrounding landscape, the baseline position, including the susceptibility of landscape elements and the landscape sensitivity and, secondly, to consider the magnitude of change, the impact on visual receptors and the significance of landscape and visual effects if the development was to be granted planning permission.
- 8.29 The application is not accompanied by an LVIA. Therefore, it has not been possible to conduct a full assessment of landscape and visual effects. It is also important to note that as the application has been submitted in principle, the landscape and visual effects cannot be fully determined without detailed drawings. Furthermore, this section of the report does not take account of potential mitigation to reduce landscape and visual effects. The following assessment, which is broadly based on the third edition of Guidelines for Landscape and Visual Impact Assessment (GLVIA3), goes some way to addressing landscape and visual effects, albeit it focuses purely on the development site itself and the immediate surrounding landscape.

### *Susceptibility of the Landscape Elements*

- 8.30 The susceptibility of the landscape elements is determined by a number of factors:

- **Scale of enclosure – landscapes with a low capacity to accommodate the type of development being proposed owing to the interactions of topography, vegetation cover, built form, etc.** The topography of the site is slightly undulating rising from 225m (AOD) in the southeast to 224m (AOD) in the southwest and falling to 198m (AOD) in the east. Land levelling would be required to accommodate the development. There is some vegetation cover within the site (which may have to be removed to accommodate the development) and along the eastern boundary of the site and the Blairmuckhole and Forrestdyke Road. With the exception of Baads Farm to the northeast, there is little in the way of built form.
- **Nature of land use – landscapes with no or little existing reference or context to the type of development being proposed.** There are no developments that are similar in nature and scale within the LLCA. The landscape within the immediate vicinity and somewhat beyond appears rural

in character.

- **Nature of existing elements – landscapes with components that are not easily replaced or substituted (e.g. ancient woodland, mature trees, historic parkland, etc).** As above, there are various tree species within the site, along the edge of the reservoir and along the eastern boundary of the site.
- **Nature of existing features – landscapes where detracting features, major infrastructure or industry is not present or where present has a limited influence on landscape character.** The wider LLCA features bings, working quarries, wind farms and telecommunications masts which have resulted in a landscape of low value. The M8 Transport corridor also cuts through the LLCA to the south. However, the immediate landscape surrounding the development is largely unaffected by detracting features and appears rural in character with only distant views of more prominent vertical features (turbines, telecommunication masts).

Owing to the above actors, the **susceptibility of the landscape elements** in the immediate vicinity of the development site is regarded as **medium/high**.

#### *Landscape Sensitivity*

- 8.31 Assessment of the **landscape's sensitivity** is based on its value (low as reported in the Fortissat Ward Wind Energy Landscape Capacity Study) coupled with its susceptibility to change (medium/high in this instance as indicated above). The sensitivity of the landscape in this instance equates to one of **medium** sensitivity.

#### *Magnitude of Change on Landscape Character*

- 8.32 In terms of assessing **magnitude of change on landscape character**, the development would introduce a new element into the landscape and/or some (potentially major) change to the scale, landform and landcover. For that reason, the **magnitude of change on landscape character** would be **medium** (and potentially high depending on further detailed drawings).

#### *Visual Receptors*

- 8.33 Visual receptors are those people who would be most affected by the development; this would include residential occupiers of nearby farms (classed as high visual receptors) but in this instance would largely consist of walkers, cyclists and road users (classed as medium visual receptors) due to the remoteness of the area. **Residential receptors** within proximity to the development would experience a **high level of visual sensitivity**. **Road and recreational receptors** would experience a **medium level of visual sensitivity**.

#### *Significance of Landscape and Visual Effects*

- 8.34 The likely **significance of landscape and visual effects** of the development are dependent on the above factors being assimilated to assess whether the proposed development is likely (or not) to have a significant effect. In terms of effects on landscape, a combination of medium magnitude of change on landscape character and medium landscape sensitivity would result in a **moderate /significant adverse level of effects on landscape** i.e. the development is likely to conflict with the character of the landscape and/or have an adverse effect on characteristic features or elements and diminish a sense of place. In terms of visual effects, a combination of medium magnitude of change on landscape character and medium landscape sensitivity would result in a **moderate adverse level of visual effects** i.e. the development would result in a clear deterioration in the view. However, it is important to note that visual effects would largely be experienced by road and recreational receptors and that mitigation of visual effects has not been considered here, nor has it been addressed by the Applicant and is therefore not considered.
- 8.35 As above, no attempt has been made in the design to integrate the development with the surrounding landscape or to ensure that the development connects with the existing landform, biodiversity or with blue and green infrastructure. No details of tree removal, tree planting, compensatory planting or biodiversity enhancement have been provided. A topographical plan showing existing and proposed site levels has not been provided although it is understood that proposed cut and fill operations would be required to level the land, which is likely to result in uncharacteristic visual effects on the existing landscape character. The development, by virtue of its type, scale, location, proposed land levelling and the absence of details to demonstrate integration with the natural environment and landscape character, is likely to have a moderate/significant adverse visual effect on the immediate landscape character and moderate adverse level of visual effects contrary to Policies PP5 and EDQ1 of the LDP

and Policies 4A) (Natural Environment), 14 a) and b) (Design, Quality and Place), 29 b) and c) iii (Rural Development) and 30 b) ii (Tourism) of National Planning Framework 4.

### **Flood Risk and Drainage**

- 8.36 Impacts associated with flood risk and the holistic water environment are assessed for their compliance with Policies EDQ1 Site Appraisal and EDQ2 Specific Features for Consideration of the LDP together with Policy 22 Flood Risk and Water Management of NPF4 which seeks to ensure that development does not increase the risk of surface water flooding to others, or itself be at risk.
- 8.37 The site area is characterised by undulating topography with site levels ranging between 225m AOD in the southeast and 224m AOD in the southwest, falling in the north and east to a low point of 198m AOD (in the east). Forrestburn Reservoir, which borders the site to the south, has a higher elevation (217m AOD) than the majority of the site. In terms of drainage, a small field drain, forming a headwater of the Barbauchlaw Burn, defines the site to the north and further small field drain/ditch is also present through the centre of the site, which flows from west to east.
- 8.38 The application is accompanied by a Flood Risk Assessment (FRA). The FRA reports that the site is not at risk of river or coastal water flooding. However, SEPA flood mapping identifies low (1:1,000) to high risk (1:10) of surface water flooding along the burn/drain in the centre and east of the site, and along the burn/drain bordering the site to the north. A high risk (1:10) of river and surface water flooding is identified within the reservoir to the south of the site.
- 8.39 In terms of fluvial or river flooding, the FRA reports little to no risk to the application site from the Forrestburn Water. For pluvial or surface water flooding, the FRA reports that whilst there are low points within the site, they are drained by existing ditches or watercourses and there are very limited areas within the site where surface water runoff generated beyond the site boundary could gather. Subject to a suitable surface water management plan for the site with runoff managed through the site and to the existing watercourses, the FRA concludes that the site could be developed with little to no risk of surface water flooding. The FRA also considers flooding from groundwater and states that given the surrounding topography and proximity and elevation of adjacent watercourses, the site is at little to no risk of flooding from groundwater flows and that there are no other features on or surrounding the site that are likely to pose a risk of flooding. The FRA concludes that there is little to no risk of flooding from infrastructural failure.
- 8.40 Finally, the FRA considers SEPA's Reservoirs Flood Map which indicates that the site is within the inundation zone for Forrestburn Reservoir, (the reservoir is owned and maintained by NLC) and has a high-risk designation. Designations are based on the consequence of an uncontrolled release of water and the effect that this could have on the surrounding area below the reservoir. Risk designation is not an indication of the probability of an inundation occurring. The risk designation that is assigned to a reservoir will direct the statutory level of engineering inspection and supervision that is required at that site, with low-risk reservoirs requiring a lower level of inspection than medium or high-risk reservoirs. As the impact of an uncontrolled release of water from Forrestburn Reservoir would be considered significant, the level of engineering inspection and supervision at the site is high. The FRA reports that due to the high level of engineering inspection and supervision at the site, the risk of reservoir flooding is low.
- 8.41 However, NLC Infrastructure and Transportation has expressed concerns over increased footfall to the reservoir in view of ongoing issues associated with people camping, fishing and removing stone protection from the foreshore of the reservoir to use for fire pits. Increased footfall as a result of the development may result in unauthorised access, additional removal of stone and potential for damage to control valves and other operational reservoir infrastructure. Consequently, NLC Infrastructure and Transportation has objected to the proposed development on this basis.
- 8.42 Whilst the potential risks of flooding by river, surface water and groundwater may be low, taking account of the reservoir's high-risk designation and the potential for damage to control valves and other operational infrastructure due to unauthorised access and increased footfall, the risk of flooding from the reservoir cannot be ruled out indefinitely, particularly as no measures are proposed by the Applicant to prevent or manage this potential impact on the reservoir. As a result, the development does not fully address or comply with Policies EDQ1 and EDQ2 of the LDP or Policy 22 of NPF4 in respect to flood risk.
- 8.43 In terms of infrastructure, it is noted that Policy 18 a) Infrastructure First of NPF4 gives support for development that provides (or contributes to) infrastructure in line with that identified as necessary in

LDPs. In the same vein, Policy EDQ1 Site Appraisal of the LDP requires development to be appraised to ensure provision of appropriate drainage systems. The application has been submitted without details of drainage provision, including surface water and foul water drainage. Whilst it is anticipated that surface water drainage would be managed by SuDs and foul water drainage managed through a system of septic tanks, soakaways and/or reed beds, in the absence of satisfactory details, the development fails to comply with Policies EDQ1 and EDQ2 of the LDP or with Policies 18 a) and 22 of NPF4.

### **Coal Mining Legacy**

- 8.44 Policy EDQ2 Specific Features for Consideration of the LDP provides that where a ground stability or contamination appraisal identifies the need for any necessary mitigation measures, including treatment or remediation, development will only be permitted where those mitigation measures can be secured.
- 8.45 The site is situated in a Mining Remediation Authority defined Development High Risk Area. The application is accompanied by a Mineral Stability Risk Assessment which concludes that the site is considered minerally stable and suitable for chalet type development. The Mining Remediation Authority was consulted and has advised that the conclusions of the Assessment are sufficient, and that the application site is or can be made safe and stable for the proposed development. Accordingly, in respect to coal mining legacy, the development raises no conflict with Policy EDQ2 of the LDP.

### **Climate Change**

- 8.46 Policy 1 Tackling the climate and nature crises and Policy 2 Climate mitigation and adaptation of NPF4 seek to address climate change and nature crises and give significant weight to proposals that are sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks from climate change.
- 8.47 The development would result in the loss of 22 hectares of greenfield land in the countryside, which currently provides suitable habitat for protected species. The development would also lead to increased carbon emissions both during the construction and operational phases without evidence to demonstrate that the associated climate change effects could be mitigated or significantly outweighed by the socio-economic benefits. The proposed development by virtue of its location in the countryside, coupled with the absence of information to justify this location and mitigate the effects of climate change is contrary to Policies 1 and 2 of NPF4.

### **Noise Impact**

- 8.48 Sustainable design and high standards of site planning must demonstrate how noise impacts will affect the amenity of noise sensitive receptors in accordance with Policy EDQ3 e Quality of Development of the LDP. Policy 23 e) Health and Safety of NPF4 also states that development proposals that are likely to raise issues of unacceptable noise will not be supported and that the agent of change principle will apply to noise sensitive development; in other words, the onus is on the developer to incorporate measures in the development to design out noise that may be emanating from other existing uses. In this instance, the reverse applies as the development itself is likely to generate unacceptable levels of noise in an otherwise relatively quiet area. A Noise Impact Assessment is therefore necessary when the nature of the proposal or its location suggests that significant effects are likely.
- 8.49 The following noise impacts are anticipated and would have to be addressed before planning permission could be granted: noise during the construction phase, noise associated with construction traffic, noise during the operational phase, including noise from the proposed entertainment centre, breakout noise, noise from visitor vehicular traffic, outdoor recreational noise including go-karting and crazy golf. No details have been submitted to allow consideration of the effects of the development on the acoustic environment of the area and/or on nearby noise sensitive receptors. No mitigation is proposed to prevent any noise effects emanating from the development. The proposed development therefore fails to address Policy EDQ3 of the LDP or Policy 23 e) of NPF4.

### **Light Pollution**

- 8.50 Policy EDQ1 Site Appraisal of the LDP requires development to be appraised in terms of lighting (day, night, seasonal variation of use, security arrangements, informal supervision) to ensure that it would integrate successfully into the local area and avoid harm to neighbouring amenity. Similarly, Annex D – Six Qualities of Successful Places of NPF4 provides that a successful place is one that is protected

from light pollution. Given the rural nature of the area and absence of built form, coupled with the presence of protected species, details of lighting requires to be provided. However, it is recognised that this is a matter that could be controlled by condition if planning permission was granted.

### **Human Health and Safety**

- 8.51 The intent of Policy 23 Health and Safety of NPF4, as outlined in the supplementary text to the policy, is to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 8.52 Flooding is the most probable natural disaster that could affect the proposed development due to the proximity of Forrestburn Reservoir. Extreme weather, reservoir failure and spillway operations are key considerations for development close to reservoirs. Prevention of unauthorised access to the reservoir, surface water and foul water drainage, noise mitigation and safe access to the development, including the provision of acceptable visibility splays and passing places are matters that would also have a bearing on human health and safety, No account has been taken of the risks to public health including to any of the foregoing matters and/or to health and safety issues arising from the development's proximity to Forrestburn Reservoir . The proposed development therefore fails to address the objectives of Policy 23 of NPF4.

## **9. Conclusions**

- 9.1 The proposed development fails to provide any evidence of a specific locational requirement and due to its location would result in sporadic and isolated development in the countryside. The absence of public transport and local amenities in the area would lead to high car dependency and unsustainable travel patterns and the nature and scale of the development would lead to undesirable adverse visual and landscape effects. No evidence has been provided to demonstrate that the economic benefits of the development would demonstrably outweigh the significant adverse effects on the natural environment.
- 9.2 The development is therefore contrary to the following NPF4 Policies: 1 Tackling the climate and nature crises, 2 Climate mitigation and adaptation, 3 Biodiversity, 4 Natural Places, 13 Sustainable Transport, 14 Design, Quality and Place, 18 Infrastructure First, 22 Flood Risk, 23 Health and Safety, 29 Rural Development and 30 Tourism and, the following LDP Policies: PP 5 Purpose of Place, AD 5 Amount of Development, PROT A Natural Environment and Green Network Assets, EDQ 1 Site Appraisal, EDQ 2 Specific Features for Consideration and EDQ 3 Quality of Development. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. Accordingly, it is recommended that planning permission in principle is refused.



**Application No:**

24/00661/AMD

**Proposed Development:**

Amendment to Permission 19/01434/MSC - Change of Layout and Substitution of House Type to 30 Flats in Two Blocks, One of Two Storeys and One of Three Storeys with Associated Parking and Open Space.

**Site Address:**

Land South Of  
Glenburn Gardens  
Marnoch  
Glenboig

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**Date Registered:**

5th July 2024

**Applicant:**

Callanish Homes (Glenboig) Ltd  
17 Baronshill Avenue  
Linlithgow  
EH49 7JU

**Agent:**

Jacqueline Forbes Consulting  
Dunellen  
36 Brackenbrae Avenue  
Bishopbriggs  
Glasgow  
G64 2BW

**Application Level:**

Local Application

**Contrary to Development Plan:**

No

**Ward:**

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

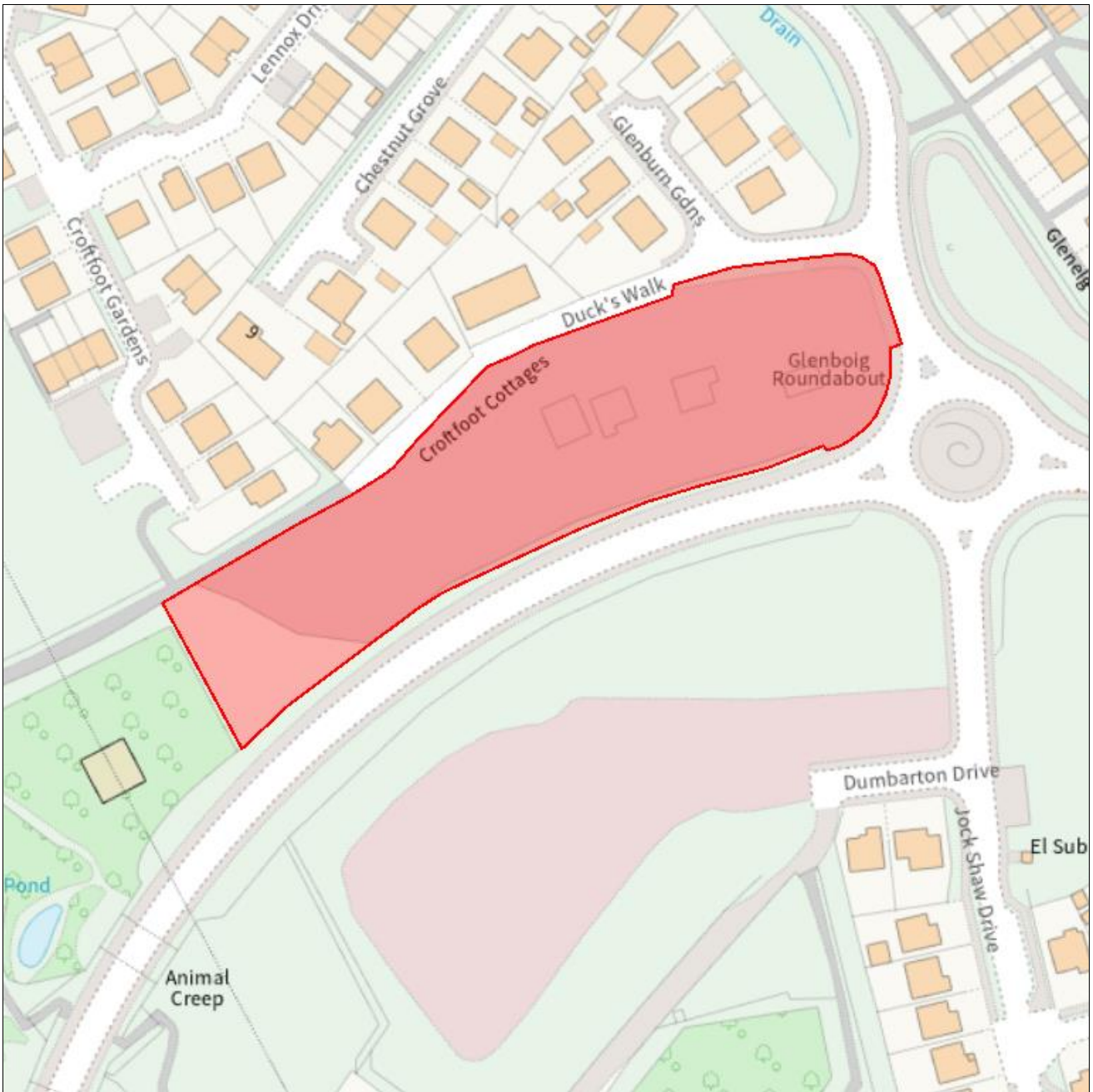
**Representations:**

6 letter(s) of representation received.

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**Recommendation:****Grant****Reasoned Justification:**

The detailed design and layout of the proposal, as amended, represents an acceptable change to the development previously approved taking into consideration the provisions of both national and local policy as well as, supplementary planning guidance relating to the (CGA) by way of a Strategic Development Framework (SDF). The development therefore accords with the relevant policies of the Development Plan.



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**Planning Application: 24/00661/AMD**  
**Name (of applicant): Callanish Homes (Glenboig) Ltd**  
**Site Address: Land South Of Glenburn Gardens Marnoch Glenboig**  
**Development: Amendment to Permission 19/01434/MSC - Change of Layout and Substitution of House Type to 30 Flats in Two Blocks, One of Two Storeys and One of Three Storeys with Associated Parking and Open Space**



## 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: - 18.048.AB.P.001 , 23.048F.P110 , 24.048F.P.004 , 23.048F.P.201, 23.048F.P.103, 23.048F.P.101, 23.048F.P.003 , 23.048F.P.102 and 18.048.AB.P.003 RevJ

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

2. That access to the 'Ducks' Walk' Core footpath 145/Right of Way SM24 adjacent to the northern boundary of the site shall remain open, safely navigable at all times during the construction period and details of the proposed temporary safety fencing along the site boundary shall be submitted to and approved in writing prior to commencement of works on site.

**Reason:** In the interests of public access and safety.

3. Prior to commencement of works on site a remediation strategy shall be submitted for the review and approval of the Planning Authority and should include a verification strategy for the installation of ground gas protection measures in accordance with CIRIA C735.

**Reason:** To ensure that the site is free of contamination in the interests of the amenity and wellbeing of future residents.

4. That before works commence on site, any remediation works identified by the site investigation by Mason Evans dated July 2019 and approved as part of condition 3 above, shall be carried out. Thereafter, 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 and wellbeing of future residents.

5. That before the construction of any roads or flatted dwelling, 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 and wellbeing of existing and future residents adjacent to and within the development site.

6. That the surface water drainage scheme approved under the terms of condition 5 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.

7. 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.

8. 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) 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) 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 ensure the implementation and maintenance of the landscaping scheme in the interest of amenity.

9. That all works included in the scheme of landscaping and planting, approved under the terms of condition 8 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:** To ensure the implementation and maintenance of the landscaping scheme in the interest of amenity.

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

- (a) the proposed grassed, planted and landscaped areas including the retention of the hedgerow along the southern boundary of the site;
- (b) any communal fences, walls and footpaths;

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

11. That BEFORE completion of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 10 shall be in operation.

**Reason:** To ensure there is an adequate landscape maintenance scheme in place.

12. Notwithstanding condition 9 above, and unless otherwise agreed in writing, the mature tree and hedgerow along the northern boundary of the site shall be retained to the satisfaction of the Planning Authority and furthermore, appropriate protection measures in accordance with British Standard BS 5837 shall be in place prior to commencement of construction work on site to the satisfaction of the Planning Authority, and with the exception of the section removed to allow the access shall not be removed without the approval in writing of the Planning Authority.

**Reason:** In order to safeguard the tree and hedgerow in the interests of amenity.

13. 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. For the avoidance of doubt, these materials shall respect the palette of materials for the streets, junctions, footways, and driveways agreed under the terms of condition 14 below.

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

14. 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 streets, footways, junctions, parking courtyards and driveways, shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the materials shall be a well-considered palette to reflect the aims of Designing Streets and the materials agreed under the terms of condition 13.

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

15. 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.

16. That before the last of the dwellings hereby permitted is occupied; all streets, footpaths, footways and manoeuvring areas shown on drawing 18.048.AB.P.003 RevJ shall be completed to sealed final wearing course.

**Reason:** To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

17. That prior to commencement of development, a Construction Method Statement shall be submitted to and approved by the Planning Authority. For the avoidance of doubt, the Construction Method Statement shall cover:

- Details of the location of site compound and management facilities;
- Details of construction access, parking and manoeuvring areas and;

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

**Reason:** In the interests of the amenity of the area, to minimise pollution risks arising from construction activities.

18. That before work on the development hereby permitted starts, the developer shall appoint and retain the services of a suitably qualified Ecological Clerk of Works (ECOW). The remit of the (ECoW) shall be submitted to and agreed with the Planning Authority before the appointment is made. This remit shall include monitoring of the agreed Habitat Management Plan (HMP) and production of regular reports (to be submitted to the Planning Authority) over the life time of the HMP to ensure its compliance. In the interest of clarity and given the transient nature of potential protected species this shall include a pre-start survey of the development site hereby approved and that any remedial measures identified as part of the survey shall be carried out to the satisfaction of the Planning Authority prior to the commencement of works on site.

**Reason:** In the interests of ensuring nature conservation mitigation measures for the site and surrounding area are implemented in accordance with the approved Habitat Management Plan.

19. That the development shall be carried out strictly in accordance with the Great Crested Newt Species Protection Plan (Nov 2014) Revision 29 February 2015 by Heritage Environmental Ltd.

**Reason:** To ensure adequate protection of Great Crested Newts.

20. The development shall be completed in accordance with the noise mitigation measures (acoustic fences and glazing and ventilation) as specified in Section 6 of the Glenboig Noise Impact Assessment Report by Envirocentre dated June 2024. These mitigation measures shall be implemented in full, with written confirmation provided that this has been completed and installed in accordance with requirements, prior to occupation of the buildings.

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

**Background Papers:**

**Consultation Responses:**

Scottish Gas Network Letter received 16<sup>th</sup> December 2024

Scottish Water letter received 16<sup>th</sup> July 2024

Traffic & Transportation memorandum Received 4<sup>th</sup> March 2025

Health and Safety Executive memorandum Received 15<sup>th</sup> July 2024

Protective services Memorandum 6<sup>th</sup> August 2024

**Contact Information:**

Gordon Arthur at 01236 632487 or [planningenquiry@northlan.gov.uk](mailto:planningenquiry@northlan.gov.uk)

**Report Date:** 10<sup>th</sup> March 2025

## APPLICATION NO. 24/00661/AMD

### REPORT

#### 1. Site Description

- 1.1 The application site lies at the western end of Glenboig village and is bound to the north by the Ducks' Walk Core Footpath 145/Right of Way SM24 which is a well-used popular path which links Glenboig the nature reserve and Gartcosh beyond. On the northern side of the Ducks' Walk there is a row of traditional Cottages, Glenburn Gardens and Chestnut Grove residential areas. The southern boundary of the site abuts the recently constructed Gartcosh/Glenboig link road. To the east is a large roundabout which offers easterly progress along Glenboig Road onto Main Street and also northerly progress along Glenboig Road. National grid overhead power lines lie beyond the western boundary of the site. The site was originally farmland which has been bisected by the construction of the new Gartcosh/Glenboig link road.
- 1.2 The western boundary of the site is set back approximately 20 metres from the National grid power lines and there is also a high-pressure gas pipeline which cuts across the western end of the site leaving a no build strip. The site which has been partially stripped of surface vegetation following the commencement of development currently consisting of four, concrete plinth foundations for the previous stalled development, covers an area of approximately 0.78 Hectares with a developable area of approximately 75%. The site is bound by a 1-metre-high post and wire fence. On the southern side of this fence facing onto the link road there is a hedgerow, grass verge and tree planting associated with the link road development. There is a mature tree situated along the northern boundary of the site along with an intermittent hedgerow. The site gradually slopes down from east to west and is covered with grass scrubland.

#### 2. Proposed Development

- 2.1 This application seeks to amend application 19/01434/MSA that addressed matters specified by planning condition (MSA) following planning permission in principle (14/01594/PPP) for the construction of residential development (up to 1040 houses) community hub with ancillary works including access road, sustainable urban drainage system and Landscaping. This application seeks to replace the approved 13 residential units of two storey traditional dual pitched roof dwellings with four semi-detached and 9 detached dwellings with 30 flats in four blocks, two of two storeys and two of three storeys with associated parking courts and amenity open space.
- 2.2 As submitted the application proposed that the previously approved access layout would continue i.e. the proposed layout would continue to be accessed from an approved junction transition table formed in the publicly adopted road at Ducks' Walk and Glenburn Gardens. However, during the course of the application this was amended and a new access arrangement has been proposed (a more traditional form of access). The proposed layout continues to follow a linear pattern substituting traditionally fronting dwellings facing onto the link road to the south with a flatted development. The previous approval partially falling within a high-pressure gas pipeline exclusion zone. The development will be served off a parking court arrangement terminating in a private cul-de-sac. The design intention continues to ensure that the proposed development traditionally (visually) fronts onto the link road to provide a traditional gateway feature into Glenboig. Amenity areas with planting are proposed within the site adjacent to and along the northern and southern boundaries of the site. The mature tree and hedgerow along the northern boundary of the site adjacent to Ducks' should continue to be retained.
- 2.3 The site continues to be developed to have pedestrian links with the adjacent existing residential development and the adjacent core footpath and Local Nature Reserve. The style of development and street pattern follows the principles of Designing Streets, in providing a hierarchy of streets and places.

### **3. Applicant's Supporting Information**

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

- Design Statement rev a dated March 2024.
- Ecology report CGA (14/01594/PPP)
- Ecological Impact Assessment and Environmental Statement by HEL dated June 2014. (14/01594/PPP) chapter 6 EIA.
- Noise Impact Assessment by Enviro Centre dated June 2024.
- Site Investigation Report by Mason Evans dated July 2019.
- Further Street Engineering Review by Indev Consultants dated March 2020.
- Transport Statement 11 March 2024
- Ecological Impact Assessment and Environmental Statement by HEL dated June 2014. (14/01594/PPP) chapter 6 EIA.

### **4. Site History**

4.1 Planning permission in principle (14/01594/PPP) for the construction of residential development (up to 1040 houses) community hub with ancillary works including access road, sustainable urban drainage system and Landscaping was granted in February 2017. This application seeks to address changes to house type and layout following on from approval 19/01434/MSC. The presence of a water main running along the northern boundary of the site has prompted this redesign.

### **5. Development Plan**

5.1 NPF4 forms part of the development plan. As such the proposed development requires to be assessed against the provisions and policies of both NPF4 and The North Lanarkshire Local 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. This application can therefore be considered against the policy provisions of the North Lanarkshire Local Development Plan as follows.

North Lanarkshire Local Development Plan 2022

- Prom Loc3 Housing Development sites (largely replaced by NPF4 Policy 16 Quality Homes)
- Environmental Development Qualities (EDQ1-3)

The site is identified as an allocated Housing Development site. The aim of the Plan within these areas is provide a generous supply of land for Housing in the local authority area. Those sites promoted in the Plan will be brought forward through consideration of applications for planning permission and/or in accordance with the Action Programme. EDQ1 (Site Appraisal) and EDQ3 (Quality of Development) which considers issues such as location of development, size, materials and road safety and which states that proposals must integrate successfully with the surrounding area by avoiding harm to the neighbouring amenity.

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 are:

- Policy 14 - Design, Quality and Place and
- Policy 16 - Quality Homes.
- Policy 13 - Sustainable Transport



5.2 Although not part of the development plan, the Council has agreed Supplementary Planning Guidance relating to the (CGA) by way of a Strategic Development Framework (SDF) which sets out how the (CGA) will be developed.

## 6. Consultations

6.1 In terms of consultation responses, the following remain unchanged from the extant permission:

- NLC Education has requested that a contribution of £7,800 per dwelling be made to pay for the increased educational provision that the proposal will result in. (the s75 legal agreement relating to 14/01594/PPP requires a contribution of £5340 which is index linked).
- The Coal Authority has expressed no issues as the site is within a low-risk area.
- Scottish Environment Protection Agency has provided standing advice. The requirements of SUDS to be conditioned.
- NLC Protective Services provided further comment on the remedial strategy as identified in the Site Investigation approved following approval of application 19/01434/MSC. The relevant condition remains undischarged with the report having been peer reviewed pending a response from the applicant. As such has been carried forward in this application. In referring to noise impact NLC Protective services have recommended a planning condition ensuring current noise levels are mitigated.

6.2 Updated consultation responses include the following:

- Scottish Water has confirmed that there are no capacity issues in terms of water supply or waste treatment. In terms of asset impact assessment Scottish Water records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets. (400mm trunk water main). The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction.
- Scottish Gas Networks (SGN) initially objected to the development pending a site meeting with the applicant. They subsequently confirmed that the developer consulted with SGN and SGN are now satisfied that the plans will not negatively impact the High-Pressure pipeline. SGN also stipulated that SW/2 safe working practises are adhered to throughout the project. The objection has now been withdrawn.
- The Health and Safety Executive has also expressed no objection which has been updated through their online consultation comment that they do not the granting of planning permission on safety grounds.
- NLC Infrastructure & Transportation has no objection to the development following design changes to the layout and to alter the access position.

## 7. Representations

7.1 12 letters of representations were received following the neighbour notification and newspaper advert. However, seven were from the same address resulting in a total of 5 letters of representation. Following further notification resulting from material changes to the design layout further neighbour notification generated an additional letter of representation a total of 6 overall.

All points of objection can be summarised as follows:-

- Impact on Ducks' Walk including access rights.
- Impact on Glenburn Gardens loss of residential amenity.
- Impact on the natural environment trees and wildlife.
- Increased traffic generation/parking issues.
- Road safety concerns regarding access onto B804 Glenboig Road as well as into the site from Ducks' Walk adjacent to Glenburn Gardens cul-de-sac.
- Road Safety in general including all pedestrian users, cyclists and horse riders using the Ducks' Walk Core Footpath).
- The proposed 4-way access table will have a detrimental impact on road safety .
- Impact on Ducks' Walk and Glenburn Gardens caused by Construction traffic, construction activity and associated noise.
- Proposed flats will result in overlooking and loss of privacy for dwellings at Ducks' Walk and Glenburn Gardens.
- Retention of hedgerow.

7.2 The main points of objection are addressed as follows:-

- the scale of amendment is vast and it's not clear to us why this proposed amendment has not been treated as a new planning application, the original proposed site build and layout details are non-existent with nothing left to amend.

**Comment:** The application is for the assessment of a change of layout and house type following an accepted approval. It is therefore considered reasonable and proportionate to consider the proposed changes as an amendment to the existing approval. This application if approved will result in a new detailed permission being issued

- The movement of vehicles accessing and egressing the proposed new development will impact the privacy of adjacent home and garden, the placement of the proposed elevated tabletop road junction, will result in all vehicles turning to face towards our home and garden on exiting from the proposed new development, the vehicle noise, vehicle light pollution and the vehicle air pollution.

**Comment:** Submitted supporting information demonstrates that additional properties will not result in a significant change to traffic in the immediate area and in this case, it is considered that impacts described above on road safety due to the layout and design of the proposed development were not upheld by NLC Infrastructure & Transportation. Following consultation with NLC Protective Services no significant concerns were forthcoming on noise, light or air pollution.

- Inconsiderate parking of delivery/ construction vehicles and associated noise is a concern for our home and garden during the proposed development construction.

**Comment:** Regardless of development there will always be an impact due to construction activity including associated noise. However, the onus is on the developer to keep disruption to a minimum and issues of noise and other forms of pollution are covered by separate Environmental Health legislation. A planning condition is recommended to try to mitigate these impacts as far as is practical (location of site compound, construction access etc)

- Access arrangements and an increase in the volume of traffic from the development will result in a significant reduction in road safety.

**Comment:** See NLC Infrastructure & Transportation comments in the report there is no road safety objection.

- Noise will impact our day-to-day quality of living in our home and gardens during and after the build of this proposed new development.

**Comment:** The resultant development as explained above will alter the established character of the area however this is a proposal for a residential development on a site allocated for and with permission for residential development that will bring with it an anticipated level of additional normal residential activity and noise which is not considered unduly onerous.

- No consultation or discussion has taken place re: mitigating measures to be taken with ourselves or the neighbouring residents of the new proposed development site.

**Comment:** The application has been the subject of neighbour notification process and press advert canvassing a wider contribution. Comments have been received and are listed in this section of the report.

- The increased volume of vehicle parking for the proposed development now bordering the site boundary (12/15 metres in distance from our home and gardens, permanent vehicle noise, vehicle light and air pollution will affect residential amenity.

**Comment:** The access road (parking court) is between 19 metres and 24 meters from the nearest facing dwellings while there is likely to be sporadic activity associated with any residential area it is not considered to result in a significant reduction in residential amenity.

- The layout plan provided did not give enough information to clarify this development.

**Comment:** The information submitted with the application was sufficient in meeting the validation process enabling publication of supporting information for comment. The neighbour notification plan is not intended to detail the actual development and for this the application needs to be reviewed on the planning portal where sufficient detail is available

- The Development Proposal would contravene any Equality Impact Assessment and The Disability Discrimination Act 2005 which should protect Core path 145 and Right of Way SM24.

**Comment:** All new development alters the established character of an area and in so doing will have an impact on the surrounding area. The permission in principle for the CGA includes this site so a level of change has been already approved and permission for the access detail has been accepted on how this element of the site is developed. Consultation on the development has raised no objection from NLC Infrastructure & Transportation on grounds of road safety. It is not clear in what way the objector specifically considers development has contravened The Disability Discrimination Act 2005 in relation to protect Core 145 and Right of Way SM24. In assessing every development it is incumbent on the planning service to assess the impacts it may have on all users of roads and footways. In this case in the vicinity of the site access the core path runs on the opposite side of the road (on the existing footways) and access will be taken from the publicly adopted road which has been subject to consultation with NLC Infrastructure & Transportation. In doing so, the layout for this level of development has been considered acceptable for all users of adjacent core paths, roads and footways. It is noted that the new road layout will feature footways on both sides of Glenburn Gardens so in many respects and despite increased traffic a safer layout

- Inclusive design should be a first principle in street design. The Disability Discrimination Act 2005' makes it unlawful for a public authority, without justification, to discriminate against a disabled person when exercising its functions.

**Comment:** Current National Planning design policy has been considered in the assessment of the application and movement within the site considered compliant.

- The Ducks Walk Core Path 45 and right of way SM24 should remain protected as stated in the Strategic Development Plan and an Equality Impact Assessment and TRO/Road Audit would address any access/egress safety concerns and ensure inclusivity for all. The proposed access and egress to this new development compromises safety within the cul de sac and the core path/right of way for all users.

**Comment:** NLC Infrastructure & Transportation have commented that the access arrangement is suitable for this level of development (30 flatted properties). It is considered that this would not be detrimental to road or pedestrian safety. A TRO/Road Audit was not recommended by NLC Infrastructure & Transportation to consider safety concerns and ensure inclusivity for all. A planning condition will protect the core path to ensure it remains open, safely navigable at all times during the construction period

- This development proposal will cause safety and traffic concerns at the point of access in Glenburn Gardens to and from the protected Ducks Walk which is the route to the Gartcosh.

**Comment:** NLC Infrastructure & Transportation consultation comments were accepted as part of the design process in relation to the layout. They commented on the access and parking courtyard serving the proposed development considering arrangements suitable for this development. It is therefore considered that the proposed development has been designed to accommodate the predicted levels of traffic and parking requirements.

- As the planning process is the responsibility of the Planning Department we respectfully request proof of legal ownership or proof of legal permission from owners to confirm that the Land Reform Scotland Act is being adhered to and that the developers nor NLC are enabling any encroachment or appropriation of public land out with this planning applications title deed, this request is made in order to protect public safety and preserve the servitude rights of the core path 145 and the public right of way SM24 for all users, the burdens on titles (the existing path) state that " a crossing for pedestrians on foot must be maintained at all times".

**Comment:** The applicant has completed the land ownership certificate signed under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as complying with Certificate (A) landowner.

- We respectfully request a copy of the certificate of lawfulness for this planning application in order to confirm the legitimacy of all aspects of the proposed new development.

**Comment:** The application is not permitted development, as such, submission a certificate of lawfulness would not be procedurally correct. In any event an application for full Planning Permission has been submitted where the details are published inviting comment.

- Proposed two-storey dwellings out of keeping.

**Comment:** It is acknowledged that the dwellings at Ducks' Walk are single storey as are the dwellings in Glenburn Gardens. The dwellings in Chestnut Grove are one and a half storey and the dwellings being constructed by Persimmon Homes adjacent to Chestnut Grove are two storeys as are the dwellings to be constructed across the link road at Hayhill Farm. That said, it is not uncommon for residential areas to be characterised by having a mixture of dwelling heights and styles. These properties will be located adjacent to the link road so occupying a

prominent position and it is not uncommon for flatted blocks to be located in such positions. The impacts of the flatted blocks have been assessed and found to be acceptable in planning terms. The taller 3 storey blocks are located closer to the roundabout on the lower part of the site and where the existing dwellings are side on to the site. The lower 2 storey blocks are on the higher part of the site to the front of the dwellings on Ducks Walk.

- Proposed dwellings will result in overlooking and loss of privacy for dwellings at Ducks' Walk ,Glenburn Gardens and Mount Ellen Drive.

**Comment:** The distance from the nearest dwelling proposed to the nearest dwelling at Ducks' Walk will be a minimum of 20 metres, which is above the nationwide standard for window-to-window distances so will not result in overlooking issues. Dwellings on Mount Ellen Drive are substantially further away at between 30 and 40 metres.

- Proposed dwellings will overshadow dwellings in Glenburn Gardens.

**Comment:** The distance from the nearest dwelling proposed to the nearest dwelling in Glenburn Gardens will be a minimum of 20 metres so will not result in overshadowing issues.

- Will trees and hedgerow on the site boundary be retained.

**Comment:** There is scope to retain trees and exiting boundary planting if minded to approve.

- There is a significant change between the proposed amendment layout and the previous planning layout. These proposed changes are major material considerations.

**Comment** The changes were considered sufficiently material to re-notify neighbours for further comment.

- The storey layout of flats and exact location on site not stated.

**Comment:** The height of the flats and site layout are shown on the submitted drawings

- The proposed parking changes that have been made, the full information not available e.g distance from boundary of site. The proposed amendment to permanent parking within the new proposed development requires confirmation of distance to and from boundary of the site to determine a fully informed comment. From the information that is available the parking appears to sit near side to our home and gardens rather than the existing link roadside.

**Comment:** The layout drawing has a scale of 1:750 and shows the distance to the site boundary to the objectors dwelling curtilage of 8.5 metres and building to building distance of 37 metres. The parking area is 18 metres from the curtilage of the objector's boundary.

- The Planning Officer informed me today he has no authority to extend the neighbour notification consultation time, decision does not allow time for informed comments.

**Comment:** This is a statutory deadline which the officer does not have the authority to vary. That said the applicant has been able to provide detailed comments on the application.

- It is questionable without all information being available if Legal Safety Limits can be achieved. Any Access and Egress from Glenburn Gardens could quickly result in bottleneck situations at both B804 junction and the link road.

**Comment:** NLC Infrastructure & Transportation has not objected to the development. This position is based on the same drawings available to objectors online.

- No confirmation/information has been provided re: site access during proposed construction.

**Comment:** This is considered as a condition the details to be submitted for approval prior to construction recommencing if members are minded to approve the application.

- Can legal safety limits be achieved for this proposed development? What is the result of any risk assessment for this proposed planning application amendment, especially for large vehicles manoeuvring, in and around the location of the site. Is there an assurance that the Health and Safety at Work Act & Work (Health Safety Welfare) Regulation 1992 will be adhered in order create a safe environment for neighbouring properties and all users of the road and the pavements surrounding the perimeter of site and also protect all users at the point of access of the protected core path and right of way. Traffic.

**Comment:** The application is a land use assessment undertaken by the Planning Service. It is a matter for the developer to maintain an accepted level of site safety during the construction process.

- Has provision been made to ensure the servitude rights of the core path 145 and the public right of way SM24 for all users, the burdens on titles (the existing path)state that " a crossing for pedestrians on foot must be maintained at all times"

**Comment:** a condition on maintaining safe access to the path is recommended should members be minded to approve the application.

- Does the construction of the proposed flats include any piling methods? What mitigating measures are in place to protect our home from any vibratory damage due to the use of piling methods ?

**Comment:** The applicant has not indicated the construction technique on building foundations which is a matter for building control to consider. With regards to damage to existing property this would be a civil legal matter.

- The development will affect the value of existing homes.

**Comment:** This is not a material planning consideration.

## 8. Planning Assessment

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Upon its adoption on the 13th of February 2023, National Planning Framework 4 (NPF4) became part of the statutory 'Development Plan'. It supersedes both Scottish Planning Policy (2014) and the Clydeplan Strategic Development Plan (2017). As a result, the Development Plan in respect of this site now comprises NPF4 (2023) and The North Lanarkshire Local Development Plan (adopted 2022) On 8th February 2023, the Chief Planner for Scotland published Transitional Arrangements Guidance which set out further details regarding how NPF4 should be applied. This confirmed that adopted Local Development Plans will continue to be part of the development plan. In circumstances such as North Lanarkshire's, where the Local Development Plan has been adopted prior to publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail. Accordingly, the proposed development requires to be assessed against the provisions and policies of both NPF4 and The North Lanarkshire Local Development Plan.

### National Planning Framework 4 (NPF4)

- 8.2 In terms of National Planning Framework 4 (NPF4), there are number of policies that affect the proposal, with the most notable ones being policy 13-Sustainable Transport, and Derelict Land and Empty Buildings, Policy 14 - Design, Quality and Place and Policy 16 - Quality Homes. These policies are imparted and disseminated to a significant extent within the NLLDP policies listed below.
- 8.3 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 supported if the development is consistent with the six qualities of successful places as set out in Appendix D of

NPF4, namely: - Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. It is considered that the proposal is consistent with the qualities and is of acceptable design and therefore considered to comply with this policy.

- 8.4 Policy 16 supports developments for new homes on land allocated for housing in the LDP. This is an amendment to an approval within an allocated site for a proposed development of 30 flatted units as such meets the terms of this policy in contributing to the Council's stated ambition to reach its target for housing within the area. It will not have a significantly detrimental impact on the area and is compliant with the general principles of this policy.
- 8.5 In considering parking levels NPF4 Sustainable Transport Policy 13 As an allocated housing site, a decision which predates the adoption of NPF 4 the location of the site in terms of sustainable transport was accepted both in terms of the community growth area but also the previous approval for 13 dwellings. As such, the sustainability of the location of the site as it relates to transport has been accepted with only the number of dwellings and design being considered with this amended application.

The North Lanarkshire Local Development Plan

- 8.6 The North Lanarkshire Local Development Plan (NLLDP) designates the site under Policy Prom Loc3 Housing Development sites. As such is promoted in the Plan to be brought forward through consideration of applications for planning permission and/or in accordance with the Action Programme. The principle of residential development is therefore established for this site.
- 8.7 The above NPF 4 policies are embedded in the adopted NLLDP and, in particular, Design Policies EDQ 1 and EDQ 3 on design are discussed below.
- 8.8 EDQ 3 (Quality of Development) which consider a range of potential impact criteria such as design, materials, and road safety and so forth. The overall provision is that proposals must integrate successfully with the surrounding area by avoiding harm to the neighbouring amenity.
- 8.9 It is considered that the proposed development is suitable for this location as it is utilising a site that has previously been approved and development commenced.
- 8.10 EDQ 3 POLICY Quality of Development advises:

*Development will only be permitted where high standards of site planning and sustainable design are achieved. Planning Applications will need to demonstrate that the proposed development takes account of the site appraisal carried out as a requirement of Policies EDQ1 and, if appropriate, EDQ2, assets protected under Policy PROT, any evaluation of design options, and achieves a high-quality development in terms of the following.*

The application proposal achieves an acceptable form and design taking cognisance of the surrounding dwellings, landform, and edge of urban location. Following the submission of acceptable elevational detail, massing and finishing materials and taking cognisance of the adjacent site and wider surrounding area. The revised design was deemed sufficient to progress this change in house type and layout.

The proposal achieves an appropriate form and design taking cognisance of the surrounding topography, dwellings within the community growth area generally, landform, and evolving edge of urban location at a newly formed junction arrangement (Roundabout). It is also acknowledged that the dwellings at Ducks' walk are single storey as are the dwellings in Glenburn Gardens. The dwellings in Chestnut Grove are one and a half storey and the dwellings being constructed adjacent to Chestnut Grove are two storey as are the dwellings to be constructed across the link road at Hayhill Farm. However, it is not uncommon for evolving residential areas to be characterised by having a mixture of dwelling heights and styles. This is evident in considering the wider Glenboig area.

### *EDQ 3 POLICY Quality of Development*

#### Environmental and Design Qualities EDQ

Development will only be permitted where high standards of site planning and sustainable design are achieved. Planning Applications will need to demonstrate that the proposed development takes account of the site appraisal carried out as a requirement of Policies EDQ 1 and, if appropriate, EDQ 2, assets protected under Policy PROT, any evaluation of design options, and achieves a high-quality development in terms of:

- a. *Establishing a clear vision for the site with design principles which lead to the creation of a distinct, successful place addressing siting; overall layout; density; form; scale; height; massing; proportion; detailing; colour; materials.*

It is considered that the development achieved compliance with this criteria.

- b. *Providing a safe, pleasant, inclusive, convenient and welcoming development.*

The supporting drawings demonstrates that the building positions will not result in a significant impact in terms of daylight and shadowing to the surrounding dwellings. In terms of orientation the wider context of the residential area this is accepted. With respect to the streetscape on the principal elevation demonstrates an acceptable variation of materials and elevational detail which is consistent with the adjacent neighbouring development within the community growth area. In terms of road safety NLC Infrastructure & Transportation have no objection to the application. Whilst the previously approved access was considered acceptable. NLC Roads recommended further improving Road safety with a revised access arrangement suitable for this development.

- c. *Moving towards a low-carbon economy, addressing, resource efficiency, Mitigation of and Adaptation for the effects of Climate Change energy and waste issues in order to create a sustainable development with a low ecological footprint.*

In accordance with current building standards and in the interest of energy efficiency, the development will be capable of providing a variety of means to limit CO2 emissions in line with the current building regulations.

- e. *Mitigating any likely air quality, noise, or pollution impacts particularly in or adjacent to Air Quality or Noise Management Areas. In some circumstances, mitigation may not always be possible, and avoidance may be required.*

Protective services provided comment outlined under the heading noise above in this report.

- f. *Ensuring that water body status is protected and, where possible, enhanced.*

SPG 09 (Flooding & Drainage) requires that applicable developments demonstrate any risk and means for mitigation of flooding and detail the measures for treatment of surface water through the use of SUDS principles. A drainage Assessment has been undertaken in accordance with the standing advice and requirements of the Scottish Environment Protection Agency (SEPA), National Planning Framework 4, North Lanarkshire Council's planning guidance and Sewer for Scotland 4th Edition.

In considering flood risk potential for surface water reference to the SEPA Flood Map indicates the potential for local surface water flooding around the area of the proposed development site. SEPA flood mapping indicates a low to medium level of surface water flooding caused by the current condition of the site, mostly hardstanding. Any development of this site will incorporate suitable drainage to mitigate against any slight risk of flooding that currently exists. The proposal will not therefore increase the risk of surface water flooding to others, or within the site as the redevelopment of the site should resolve this matter.

It is recommended that the decision contains a condition requiring surface water is treated within a sustainable urban drainage system.



- g *Adequate provision has been retained for the development and maintenance of landscaped areas and, and for linking to and enhancing open spaces and green networks.*

The applicant has submitted drawings demonstrating indicative landscape areas, However, a condition is recommended on the final detail if minded to approve.

- h *Historic Environmental interest or Resources, protected under the terms of the Protect Assets Policies are not relevant to this application.*

It is considered that the proposed buildings have been adequately designed in terms of siting, massing and finishing materials to an acceptable standard. Thereby complying with policies EDQ 1 and EDQ3.

#### 8.11 CI POLICY Contributions to Infrastructure

North Lanarkshire Council will seek to secure developer contributions for new developments that, individually or cumulatively, generate a requirement for new or enhanced infrastructure or services, covering Affordable Housing in Cumbernauld Housing Sub-Market Area, and Education, Transport and Green Network Infrastructure, Amenity Space and Play across North Lanarkshire. The original permission in principle has a legal agreement that covers these matters (see also below)

#### 8.12 Contributions to Infrastructure Policy Categories

POLICY CI 1 Category Green Infrastructure, Amenity Space and Play

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. In this instance, the application forms detailed elements of the planning permission in principle. A legal agreement S75 is already in place (secured at planning permission in principle stage) and each unit will be subject to index linked contribution of £5,340 towards education provision and £2,622 towards roads infrastructure (the roads figure has been reduced in accordance with the provisions of the agreement in relation to funding for the link road). These contributions will be rolled-out across all 3000 units within the Community Growth Area. In terms of affordable housing, it should be noted that this policy does not apply to the Glenboig area. In lieu of on-site play provision the applicant is required by a Section 75 Legal Agreement (again secured at the planning permission in principle stage) to make a financial contribution to the Council for the upgrading and maintenance of the Glenboig village park play area. This is acceptable to Play Services and accords with the Strategic Development Framework. Taking the above matters into account, it is considered that the proposed development accords with POLICY CI 1 Category Green Infrastructure, Amenity Space and Play.

#### Other material considerations

- 8.13 There are no other material considerations that when balanced against the Development Plan would merit refusal of this application.

### **9. Conclusions**

- 9.1 Taking the above assessment into account it is considered that the detailed design and layout of the proposal, as amended, represents acceptable change to the development previously approved taking into consideration the provisions of both national and local policy as well as, supplementary planning guidance relating to the (CGA) by way of a Strategic Development Framework (SDF) it is considered that the development accords with the design policies of the adopted North Lanarkshire Local Plan. The proposed development is therefore acceptable in terms of its impact upon the site and the surrounding residential area. Accordingly, it is recommended that planning permission be approved for the reasons stated.

**Application No:**

24/01091/FUL

**Proposed Development:**

Conversion &amp; Extension of Office to Form 3 Flats

**Site Address:**55 Hamilton Road  
Motherwell  
ML1 3DG

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**Date Registered:**

5th December 2024

**Applicant:**Mr G. Irwin  
C/o Agent**Agent:**Hardie Associates Ltd  
78 Hopetoun Street  
Bathgate  
West Lothian  
EH48 4PD**Application Level:**

Local Application

**Contrary to Development Plan:**

No

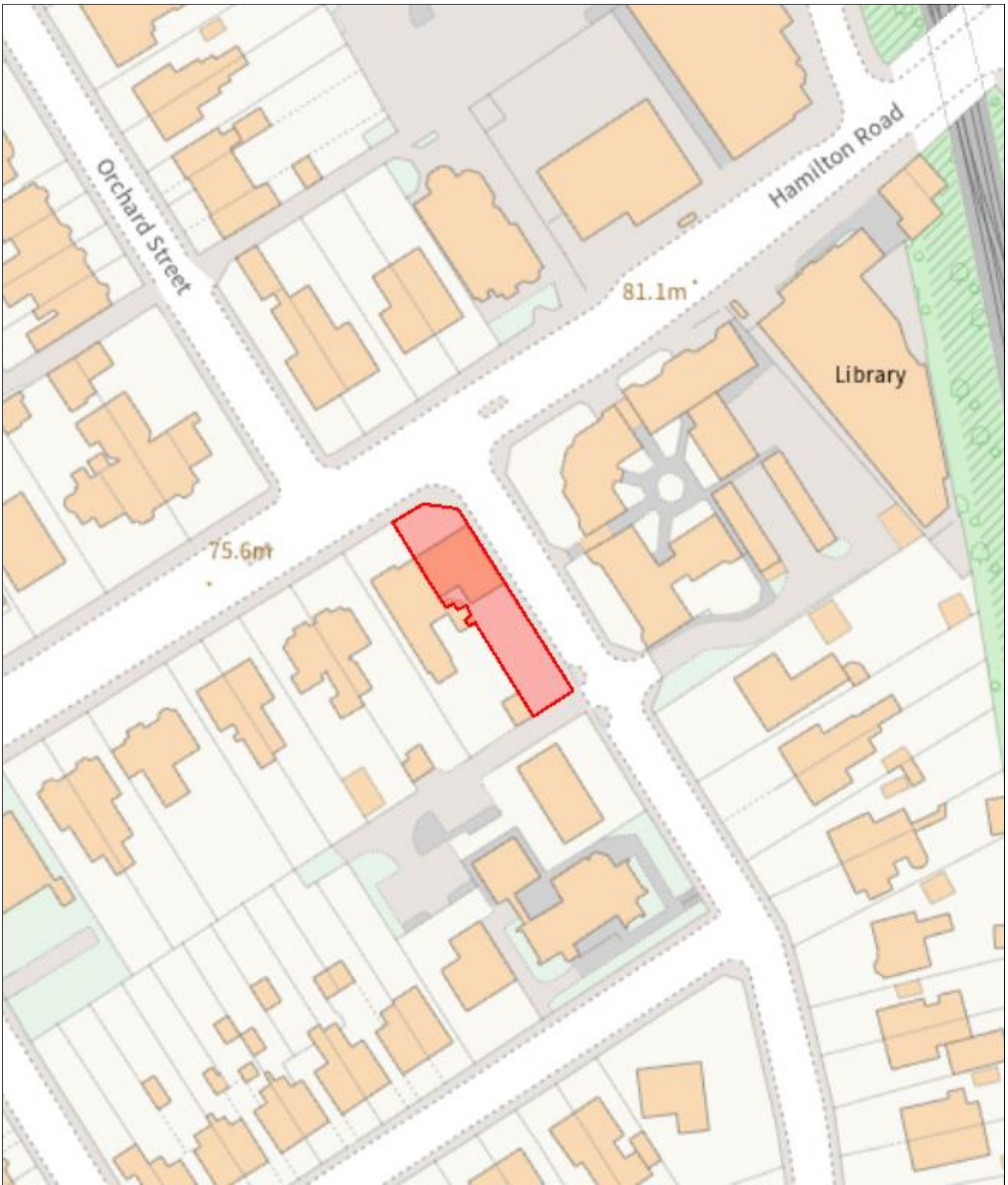
**Ward:**17 Motherwell West  
Paul Kelly, David Crichton & Lorraine Nolan**Representations:**

10 letters of representation received.

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**Recommendation: Grant**

**Reasoned Justification:** The proposed conversion and extension to accommodate 3 flats is acceptable as it could be accommodated within the site without having a negative impact on General Urban Area and Conservation Zone. As such, the proposal accords with the policy provisions of the North Lanarkshire Local Development Plan 2022.



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**Planning Application: 24/01091/FUL**  
**Name (of applicant): Mr G. Irwin**  
**Site Address: 55 Hamilton Road**  
**Motherwell**  
**ML1 3DG**  
**Development: Conversion & Extension of Office to Form 3 Flats**



**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:

24/063/LOC1, 23/64/PL02, 24/63/PL03 and 24/63/PL01C.

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

2. That BEFORE the development hereby permitted starts, full details of the facing materials to be used on all external walls and roofs shall be submitted to, and approved in writing by the Planning authority and the development shall be implemented in accordance with the details approved under the terms of this condition.

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

3. Notwithstanding the terms of condition 2 above, That BEFORE the development hereby permitted starts, a sample of the natural slate (or equivalent) to be used for all roof work shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** In the interests of the visual amenity of the conservation area

4. That the side and roof of the dormer hereby permitted shall be finished in the same material as approved under condition 3 above; to match the existing roof, unless otherwise agreed in writing to the satisfaction of the planning authority.

**Reason:** In the interests of the visual amenity of the conservation area

5. That all repointing of stonework shall be carried out using a traditional lime based mortar.

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

6. That prior to any development/construction commencing, written confirmation will be provided from BT demonstrating their agreement to relocate the telegraph pole to facilitate the new access to be constructed along with a timescale for completion of these works.

**Reason:** To allow the new access to be formed.

7. The details as approved under condition 6 above shall be implemented to the satisfaction of the planning authority in accordance with the agreed timescales and prior to the occupation of any part of the development hereby approved and the existing access will be closed up in accordance with details agreed under the terms of condition 10 below

**Reason:** To ensure the new access is formed in the interest of road safety .

8. The proposals identified in the biodiversity enhancement report shall be implemented to the satisfaction of the planning authority and is to be completed within the next available planting season.

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

9. For the avoidance of doubt, where possible works must be undertaken out-with Bird Breeding Season (March to September). If this cannot be adhered to, then an ecologist is required to check for nesting birds 24 hours before works are carried out.

**Reason:** In order to comply with the Wildlife and Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 2004.

10. 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:** In the interests of the visual amenity of the conservation area.

11. That BEFORE the development hereby permitted starts, drawings showing the detailed design of all new and replacement windows shall be submitted to, and approved in writing by the Planning Authority. For the avoidance of doubt, all new and replacement windows shall match the original windows in all aspects of their design including proportion, frame dimensions, materials, finish and method of opening

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

12. That the proposed access into the site shall be of asphalt construction and any new gate shall open inwards into the curtilage.

**Reason:** In the interest of residential amenity and road safety.

**Background Papers:**

**Consultation Responses:**

Historic Environment Scotland – 9<sup>th</sup> December 2024

NLC Infrastructure & Transportation - 26<sup>th</sup> February 2025 & 10<sup>th</sup> March 2025

**Contact Information:**

Khadijah Ahmed at 01236 632487 or [planningenquiry@northlan.gov.uk](mailto:planningenquiry@northlan.gov.uk)

**Report Date:**

20th March 2025

## APPLICATION NO. 24/01091/FUL

### REPORT

#### 1. Site Description

- 1.1 The application site is situated on Hamilton Road at the interaction with Avon Street prominently located in the conservation area of Motherwell. The site is situated within a largely residential area characterised by traditional Victorian sandstone villas close to Motherwell town centre. To each side of the site there is a block of flats and semi-detached dwelling. Opposite the site is a solicitor's and to the rear more residential housing.

#### 2. Proposed Development

- 2.1 The application seeks full planning permission for a conversion and extension of an existing building to form 3 flats. The proposed extension to the rear of the site facing onto Avon Street and is 5.4 metres long and 7.5 metres wide with a roof apex height of 6.4 metres just below the roof apex of the original building. The proposed new build element is of a traditional dual pitched roof design with a wall head dormer and render finish. The proposal is for 2 flats on the ground floor and a third in the dormer roof space of the original dwelling and the extension. A new access is proposed from the rear lane along with 4 off street parking spaces within the curtilage.

#### 3. Applicant's Supporting Information

- 3.1 The applicant has not submitted any additional supporting information.

#### 4. Site History

- 4.1 05/01814/FUL Change of Use from Class 2 (Solicitors Office) to Class 9 (Dwelling) - Permitted

#### 5. Development Plan

- 5.1 Given the scale and nature of the proposal it is considered that any relevant requirements from NPF4 are more than suitably replicated or are already enshrined in the by the Council's Local Development Plan Policies. The site is identified as lying within the General Urban Area within the Placemaking Policies in the North Lanarkshire Local Development Plan (2022). The policies most relevant to this application are PP 3 Policy Purpose of Place. This policy aims to maintain and improve the level of amenity of urban areas. The site is also covered by Protecting Assets B3 (Conservation Areas) policy which aims to ensure proposed developments are appropriate to conservation area. The Environmental Design Quality (EDQ) Policies apply to all developments.

#### 6. Consultations

- 6.1 Historic Environment Scotland were consulted on 6<sup>th</sup> December 2024. A response was received on 9<sup>th</sup> December 2024 stating they were consulted in error, providing no input to the application.
- 6.2 NLC Infrastructure & Transportation were formally consulted on 5<sup>th</sup> February 2025. A final consultation response was received on the 20<sup>th</sup> March 2025 advising they have no objections to the proposal. Indeed they advise that this latest layout and access arrangement is far more appealing from a roads perspective, utilising existing access rights to create 4 off-street spaces and zero impact on the Traffic Regulation Order TRO (Parking restrictions on Avon Street), build-outs, on-street parking provision etc. and that the number of proposed vehicle trips associated with the conversion/extension to from 3 flats compared with the existing potential trips for the current use (office) is significantly reduced, therefore this is acceptable.

## 7. Representations

- 7.1 Three rounds of neighbour notification took place. Standard Neighbour Notifications were issued on 6<sup>th</sup> December 2024. The initial plans proposed 5 flats. These plans were superseded and revised plans proposing 3 flats were issued for re neighbour notification on 11<sup>th</sup> February 2025. The access point and parking provisions were subsequently altered and these were reissued in a final re neighbour notification on 25<sup>th</sup> February 2025.
- 7.2 10 letters of objection were received within the neighbour notification periods, one being from Councillor Lorraine Nolan. These comments will be taken into consideration in accordance with standard procedure.

For information the points of objection can be summarised as follows:

### **Material Planning Considerations**

- Traffic and Road Safety
- Development in Conservation Area
- Mature Tree Loss
- Over Development
- Lack of Privacy
- Loss of Sunlight and Daylight

### **Non-Material Planning Considerations**

- Application type as a Conversion
- Wash house/Basin in Rear Garden
- Victorian Pipe Works
- Wider consultation beyond advertisement and neighbour notification

## 8. **Planning Assessment**

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The application raises no strategic issues and can be assessed against the local development plan.
- 8.2 The application site is in an area designated by General Urban Area in the North Lanarkshire Local Development Plan (2022), where Placemaking Policy 3 (Purpose of Place) is relevant. This policy 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. Protecting Assets B3 (Conservation Areas) is also relevant to the application site, which states that the designs, materials, scale, and siting of any development shall be appropriate to the character of the conservation area and its setting. PP3 and PROT B3 requires such proposals to be assessed against the criteria of Environmental Development Qualities (EDQ) 1-3, where EDQ 1 and 3 is the most relevant to the application site.
- 8.3 It is considered that the proposal complies with Policy PP3 as it brings back into use a dwelling/building that has been vacant and partially derelict for a number of years. It also introduces more residential accommodation adjacent to the town centre. It is considered that the proposal is sensitively designed in terms of scale, massing and traditional styling including the renovation of the existing building is acceptable and appropriate to this Conservation Area location. It is further considered that the proposed new build element will successfully integrate with the existing streetscape and the character of the Conservation Area. The proposal is therefore considered to be compliant with policy PP3. In terms of Policies EDQ1 and 3, it is considered that proposed new build element has been carefully designed and is acceptable in terms of massing, height, style or materials. Furthermore, there are no issues in terms of detrimental impact on surrounding residential amenity by way of loss of privacy or sunlight/daylight. It is therefore considered that the proposal complies with Policies EDQ1 and 3.

## **Representations:**

- 8.4 The matters raised in the letter of objections are address in turn below. It should be noted that many of the objections received related to the scheme as originally proposed and through the process of the assessment of the application the scheme has been significantly reduced and amended.

## **Material Planning Considerations**

### **Traffic and Road Safety**

**Comment:** NLC Infrastructure & Transportation were consulted and have no objections. There is a suitable number of parking spaces provided within the curtilage of the site. It is viewed that this proposed development would not impact on the safety of pedestrians and road users on the basis of the revised access location and reduced number of flats proposed.

### **Development in Conservation Area**

**Comment:** The planning department are aware the site is in a designated conservation area and are satisfied with the materials proposed and this can be further controlled by the imposition of relevant conditions. The old cottage and site has been vacant for a significant period of time, the conservation status does not preclude new development however new development has to concur with the principles of the conversation area management plan. It is considered that the proposed development combined with the recommended planning conditions complies with this.

### **Mature Tree Loss**

**Comment:** It is noted that mature trees will be lost as a result of the development, however the agent has provided biodiversity enhancements to mitigate this including tree planting and habitation for wildlife.

### **Overdevelopment**

**Comment:** The superseded plans proposed 5 flats however after revision the proposal is now for 3 flats. It is noted during our planning assessment that the proposal is not considered over development.

### **Lack of Privacy**

**Comment:** The superseded plans proposed 5 flats however after revision the proposal is now for 3 flats. It is noted during our planning assessment that the proposal would not have a detrimental impact to privacy levels for neighbouring properties. It is considered that the revised proposal does will not significantly impact on levels of surrounding privacy.

### **Loss of Sunlight and Daylight**

**Comment:** The superseded plans proposed 5 flats however after revision the proposal is now for 3 flats. It is noted during our planning assessment that the proposal would not have a detrimental impact on sunlight and daylight levels currently enjoyed by neighbouring properties.

## **Non-Material Planning Considerations**

### **Application Type**

**Comment:** It was raised that the application is not a conversion from an office as the property is a dwelling. This is not our understanding, and in any event, even if this was the case, as the proposal is for the conversion of the existing building to form 2 flats planning permission is required.

### **Wash house/wash basin**

**Comment:** Concerns were noted about the historical wash house/wash basin to the rear of the site was shared with the neighbouring property, however this is not included in the site boundary for the proposed development as shown on the block plan.



**Comment:** As this is not a planning consideration this is not considered as part of our assessment.

### **Wider Consultation**

**Comment:** Standard procedure for neighbour notification and advertising have been followed as per legislation guidelines.

## **9. Conclusions**

- 9.1 In conclusion, considering all the circumstances relevant to this application, the proposed conversion and extension to accommodate 3 flats is considered acceptable. The proposal will not have a detrimental effect on the neighbouring properties and character of the surrounding area, therefore, complies with policies PP 3 Purpose of Place (General Urban Area) and Protecting Assets B3 (Conservation Areas) in North Lanarkshire Local Development Plan 2022 and the Environmental Design Quality (EDQ) Policies contained in the plan. Notwithstanding the objections received, taking account of the provisions of the development plan and all other material considerations, it is recommended that permission be granted subject to conditions.



# North Lanarkshire Council Report

## PLANNING COMMITTEE

Does this report require to be approved?  Yes  No

Ref Index 2

Date 03/04/25

## NOTICE OF PLANNING AND ENFORCEMENT APPEALS DECISIONS

**From** Pamela Humphries, Chief Officer (Place)

**E-mail** humphries@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.

### The Plan for North Lanarkshire

Priority All priorities

Ambition statement All ambition statements

### 1. Background

#### Background

Application No. & Proposal	Applicant & Site	Appeal Decision & Date	Note
24/00144/FUL Holiday Lodge Development Comprising 65 Holiday Units Managers House and Agricultural Shed	Mr John Hannigan Coathill Farm Stirling Road Luggiebank Cumbernauld G67 4AE	Appeal Dismissed 26/02/2025	

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**2. Report**

N/A

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**3. Measures of success**

N/A

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**4. Supporting documentation**

N/A



**Pamela Humphries  
Chief Officer (Place)**

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## 5. Impacts

<p><b>5.1 Public Sector Equality Duty and Fairer Scotland Duty</b> Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>If Yes, has an assessment been carried out and published on the council's website? <a href="https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments">https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments</a> Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p><b>5.2 Financial impact</b> Does the report contain any financial impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant financial impacts been discussed and agreed with Finance? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p><b>5.3 HR policy impact</b> Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts been discussed and agreed with People Resources? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p><b>5.4 Legal impact</b> Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p><b>5.5 Data protection impact</b> Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to <a href="mailto:dataprotection@northlan.gov.uk">dataprotection@northlan.gov.uk</a> Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p><b>5.6 Technology / Digital impact</b> Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>

Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?

Yes  No

**5.7 Environmental / Carbon impact**

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes  No

If Yes, please provide a brief summary of the impact?

**5.8 Communications impact**

Does the report contain any information that has an impact on the council's communications activities?

Yes  No

If Yes, please provide a brief summary of the impact?

**5.9 Risk impact**

Is there a risk impact?

Yes  No

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?

**5.10 Armed Forces Covenant Duty**

Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?

Yes  No

If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.

**5.11 Children's rights and wellbeing impact**

Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?

Yes  No

If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC).

If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?

Yes  No