

***North  
Lanarkshire  
Council***

Planning Applications for consideration  
of Planning Committee

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Committee Date: 8<sup>th</sup> May 2025

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APPLICATIONS FOR PLANNING COMMITTEE

8th May 2025

Page No	Application No	Applicant	Development/Site	Recommendation
7-22	<a href="#">24/01192/S42</a>	PAMG Manse Ltd & Taylor Wimpey UK Ltd	Residential Development (Section 42 Application to Alter Conditions 1, 17, 18, 19 and 21 of Planning Application 20/00827/FUL in Relation to Approved Drawings and Noise Impact) Land South Of Manse Road Bargeddie	Grant (P)
23-30	<a href="#">25/00051/FUL</a>	Mr & Mrs Crainey	Detached Dwelling with Integral Garage Land At Woodside Avenue Kilsyth	Grant
31-39	<a href="#">25/00075/FUL</a>	Mr Mohammad Akram	Change of Use from Care Home Facility to 5 No. Self Contained Apartments, with Minimal External Alterations. 1 Abbeyfield House Colston Road Clarkston Airdrie ML6 7AA	Grant

(P)

24/01192/S42 - If minded to approve planning permission should not be issued until the developer has completed a revised Section 75 Agreement with the Planning Authority to continue to secure the appropriate level of financial contribution for education provision.

**Application No:**

24/01192/S42

**Proposed Development:**

Residential Development (Section 42 application to alter conditions 1, 17, 18, 19 and 21 of planning application 20/00827/FUL in relation to approved drawings and noise impact)

**Site Address:**

Land South Of Manse Road  
Bargeddie

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**Date Registered:**

6th December 2024

**Applicant:**

PAMG Manse Ltd & Taylor Wimpey UK Ltd  
Lightyear Building  
Unit C  
Ground Floor  
Glasgow Airport Business Park  
Marchburn Drive  
Abbotsinch  
Paisley  
PA3 2SJ

**Agent:**

Lichfields UK  
F.A.O. Kenny Mitchell  
115 George Street  
Edinburgh  
EH2 4JN

**Application Level:**

Major Application

**Contrary to Development Plan:**

No

**Ward:**

10 Coatbridge West  
Kevin Docherty, Lesley Mitchell, Gary Robinson,

**Representations:**

No letters of representation received.

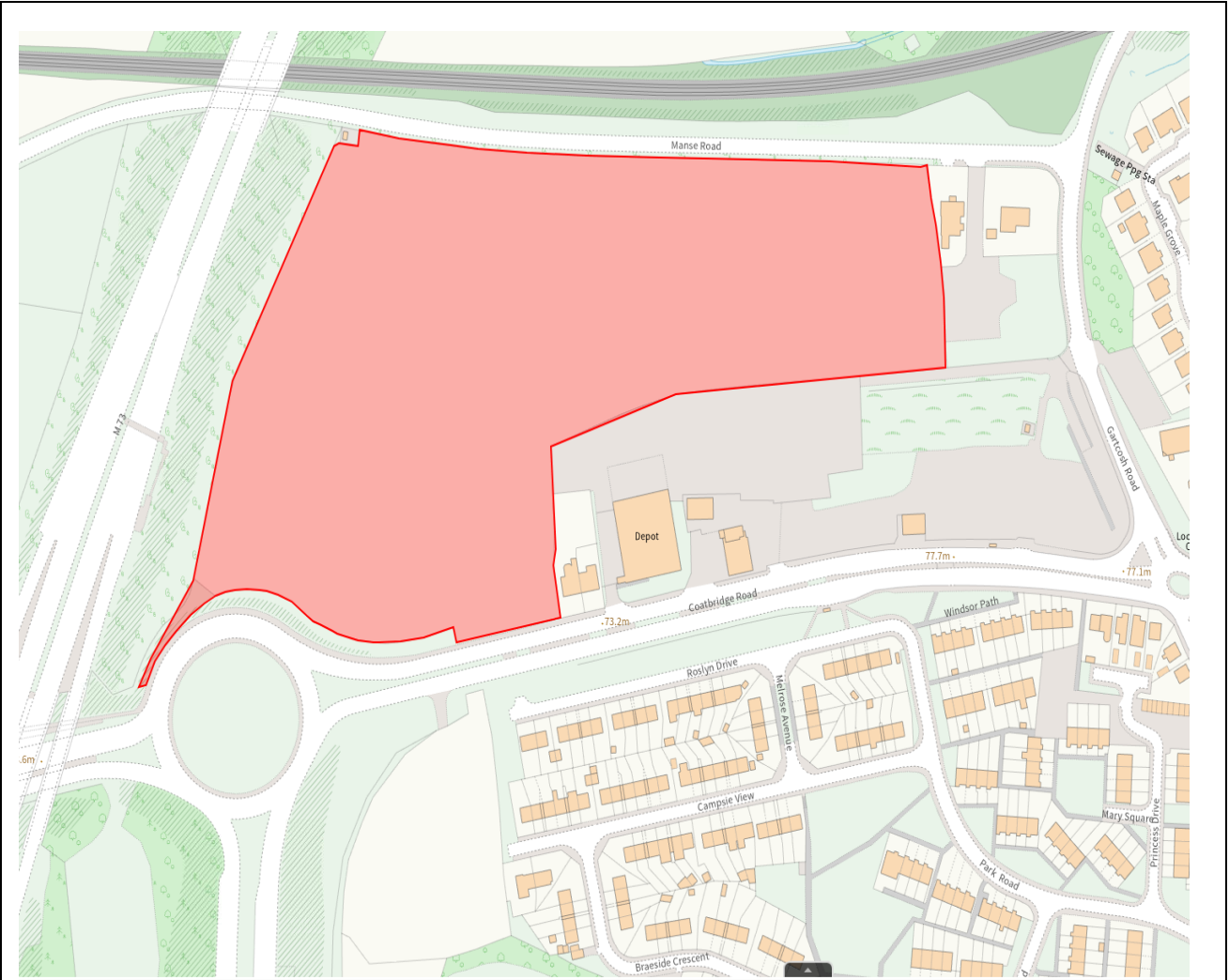
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**Recommendation:****Approve application****Reasoned Justification:**

The proposed conditions modified are considered to be acceptable and in accordance with the relevant policies contained in NPF4 and the North Lanarkshire Local Development Plan 2022 in that changes to the permission can be accommodated without unacceptable detriment to the character and amenity to that approved previously.

**Note to Committee:**

If minded to approve planning permission should not be issued until the developer has completed a revised Section 75 Agreement with the Planning Authority to continue to secure the appropriate level of financial contribution for education provision.



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**Planning Application: 24/01192/S42**  
**Name (of applicant): PAMG Manse Ltd & Taylor Wimpey UK Ltd**  
**Site Address: Land South Of Manse Road**  
**Bargeddie**  
**North Lanarkshire**

**Development: Residential Development (Section 42 application to alter conditions 1, 17, 18, 19 and 21 of planning application 20/00827/FUL in relation to approved drawings and noise impact)**



**Proposed Conditions:-**

1. That, except as may otherwise be agreed in writing by the Planning Authority, or updated as required under the terms of any planning conditions, the development shall be implemented in accordance with drawing numbers: -

**Location & Layout**

AL(0)01 Location Plan

AL(0)03 Existing Site Plan

AL(0)02 Rev J Planning Layout

**House types**

STA31-Ambleford (Rev A)-Elevations-PL6\_RENDER ELEVATIONS

STA31-Ambleford (Rev B)-Floor Plans

STA31-Ambleford (Rev B)-Section

STA32-Brambleford (Rev A)-Elevations-PL6\_RENDER ELEVATIONS

STA32-Brambleford (Rev B)-Floor Plans

STA32-Brambleford (Rev B)-Section

STA34-Keeford (Rev A)-Elevations-PL5\_STONE ELEVATIONS

STA34-Keeford (Rev B)-Floor Plans

STA34-Keeford (Rev B)-Section

STA35-Tetford (Rev A)-Elevations-PL5\_STONE ELEVATIONS

STA35-Tetford (Rev B)-Floor Plans

STA35-Tetford (Rev B)-Section

STA41-Ayleford (Rev A)-Elevations-PL5\_PLANNING ELEVATIONS

STA41-Ayleford (Rev B)-Floor Plans

STA41-Ayleford (Rev B)-Section

STA43-Colford (Rev A)-Elevations-PL4\_STONE ELEVATIONS

STA43-Colford (Rev B)-Floor Plans

STA43-Colford (Rev B)-Section

STA46-Rightford (Rev A)-Elevations-PL4\_STONE ELEVATIONS

STA46-Rightford (Rev B)-Floor Plans

STA46-Rightford (Rev B)-Section

STG41-Chalham (Rev A)-Elevations-PL4\_STONE ELEVATIONS

STG41-Chalham (Rev B)-Floor Plans

STG41-Chalham (Rev B)-Section

STG42-Corkham (Rev A)-Elevations-PL5\_STONE ELEVATIONS

STG42-Corkham (Rev B)-Floor Plans

STG42-Corkham (Rev B)-Section

STG43-Hubham (Rev A)-Elevations-PL5\_STONE ELEVATIONS  
(STANDARD)

STG43-Hubham (Rev A)-Elevations-PL5\_STONE ELEVATIONS

STG43-Hubham (Rev B)-Floor Plans

STG43-Hubham (Rev B)-Section

STT31-Aynesdale (Rev A)-Elevations-PL5\_STONE ELEVATIONS

STT31-Aynesdale (Rev B)-Floor Plans

STT31-Aynesdale (Rev B)-Section

### **Landscape**

Landscape Plan Sheet 1

Landscape Plan Sheet 2

Landscape Plan Sheet 3

Soft Landscape Details

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

2. That PRIOR to any works of any description being commenced on the application site, a comprehensive site investigation report incorporating mineral stability issues shall be submitted to and approved in writing by the Planning Authority. The investigation must be carried out in accordance with current best practice, such as BS 10175: The Investigation of Potentially Contaminated Sites, or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed Remediation Strategy may be required as part of the above report.

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

3. Should the intrusive site investigation report, referred to in Condition 2 above, identify the need for remediation works to be carried out, a detailed Remediation Strategy shall be prepared and submitted to the planning authority for its written approval. Before any dwellings are occupied, a certificate (signed by a chartered Environmental Engineer) shall be submitted to the planning authority confirming that all required remediation works have been carried out in accordance with the terms of the approved Remediation Strategy.

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

4. That before the construction of any roads or houses, 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 shall be certified by a chartered civil engineer as complying with the most recent SEPA SUDS guidance.

Reason: To ensure that the drainage scheme complies with best SUDS practice to protect adjacent watercourses and groundwater, in the interests of the amenity and wellbeing of existing and future residents adjacent to and within the development site.

5. That the surface water drainage scheme approved under the terms of condition 4 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.

6. 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.

7. 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.

8. That all works included in the scheme of landscaping and planting, approved under the terms of condition 7 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.

9. That before the occupation of any houses, 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 SUDS area / compensatory flood water storage area;
- (b) any communal fences and walls;
- (c) all other communal areas
- (d) all play areas

Reason: To ensure the maintenance of communal areas and infrastructure in the interest of amenity.

10. That before completion of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 9 shall be in operation.

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

11. 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 amenity and design by ensuring that external materials are appropriate for the site.

12. That before the last of the dwellings hereby permitted is occupied, all streets, footpaths, footways and manoeuvring areas shall be completed to final wearing course.

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

13. That before the development hereby permitted starts, a scheme for the provision of the equipped play area shall be submitted to, and approved in writing by the Planning Authority, including any modifications as may be required, and this shall include:-

- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play areas;
- (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
- (c) details of the fences to be erected around the play area, and
- (d) details of the phasing of these works.
- (e) play equipment shall be located at least 15.0m away from the nearest dwelling.
- (f) the play area shall be completed in full within six months of the occupation of the last dwellinghouse.

Reason: To ensure that the play scheme is to an acceptable standard and is implemented within a reasonable timescale.

14. That before development starts a further survey shall be submitted in relation to water voles and an updated Preliminary Ecological Appraisal (PEA) shall be undertaken on the site to determine the presence of any statutorily protected species, the said surveys shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. All surveys to be undertaken prior the start of any development. As a result of the study, should any mitigation measures be required for any protected species a Habitat and Species Management Plan in consultation with NatureScot is submitted for the written approval of the Planning Authority. Thereafter mitigation shall be implemented in accordance with the Habitat and Species Management Plan before works commence on the site.

Reason: To ensure compliance with The Conservation (Natural Habitats & c.) Regulations 1994 (as amended); the Wildlife and Countryside Act (1981) as amended; the Protection of Badgers Act 1992 (as amended); and the Nature Conservation (Scotland) Act 2004.'

15. That before the development hereby permitted starts, full details of biodiversity enhancements to be incorporated into the development shall be submitted in the form of:
  - a) Inclusion of wildflower areas within the green corridor and under hedgerows that shall encourage the use of native nectar rich species and food plant for caterpillars in landscaping.
  - b) Inclusion of bird and bat boxes within the development and the fitting of Swift bricks into buildings to provide potential nesting opportunities for Swift, a priority North Lanarkshire Biodiversity Action Plan Species.
  - c) An above ground SUDS pond designed in accordance with RSPB and WWT's Sustainable Drainage Systems guide (Graham et al., 2013).

Reason: To accord with the Nature Conservation (Scotland) Act 2004, where all public bodies have a duty to further the conservation of biodiversity and to contribute to the aims of North Lanarkshire Biodiversity Action Plan.

16. That before the development hereby permitted is brought into use, all the parking and manoeuvring areas shown on the approved plans, shall be levelled, properly drained, surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out, and shall, thereafter, be maintained as parking and manoeuvring areas.



Reason: To ensure the provision of satisfactory vehicular and pedestrian access facilities.

17. To ensure that the ongoing maintenance of acoustic barriers, hereby approved, a maintenance scheme shall be submitted for written approval prior to development commencing on site.

Reason: To ensure that the affected dwellings have suitable noise mitigation measures are maintained.

18. The development will be completed in strict accordance with the acoustic mitigation measures outlined in 'Environmental Noise Impact Assessment – Bargeddie' dated 20 September 2024 unless otherwise approved by this Planning Authority. For the avoidance of doubt, this will include all glazing and ventilation requirements, the installation of acoustic barriers and the completion of all other acoustic mitigation measures outlined within the approved noise impact assessment. No dwelling will be occupied until the completion of the appropriate noise mitigation measures related to that individual dwelling have been implemented and validated by a suitably qualified acoustician. Any noise mitigation measures required will be installed to the satisfaction of the Planning Authority.

Reason: To ensure that appropriate noise mitigation is in place.

19. 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 (including acoustic fencing) shall be submitted to and approved in writing by the Planning Authority and thereafter implemented, prior to the related dwellinghouse being occupied

Reason: To ensure the provision of adequate boundary treatments

20. That BEFORE the development starts details shall be submitted for the written approval of the Planning Authority detailing the means of access to the site for construction traffic throughout the life of the development and the location of the site compound. The development shall be carried out in accordance with the approved details.

Reason: To safeguard residential amenity.

21. That prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished

22. That prior to the commencement of the development, details of the landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road is not diminished.

23. That prior to the commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

24. That for the avoidance of doubt there shall be no drainage connections to the trunk road drainage system.

Reason: To ensure the efficiency of the existing trunk road drainage network is not affected.

25. That notwithstanding the approved location plan all new features along the trunk road boundary, including landscape screening, fencing and other types of barriers, must be erected on land that is within the control and / or ownership of the developer.

Reason: To enable maintenance of the proposed boundary features to be carried out, without encroachment onto land controlled by Transport Scotland.

26. That prior to commencement of works on site the developer shall provide written evidence that contact has been made with Scottish Gas Networks with regard to ensuring that the integrity of the servitude or easement area and drainage of their pipeline is not compromised, and that contact has been made with the local pipeline engineer prior to commencement of works on site.

Reason: In the interests of the proper maintenance of the pipeline and public safety.

### **Background Papers:**

#### **Consultation Responses:**

NLC Protective Services memorandum received 21<sup>st</sup> February & e-mail 25<sup>th</sup> April 2025  
Scottish Gas Network letter received 12<sup>th</sup> December 2024  
Education Memorandum Received 10<sup>th</sup> March 2025  
Traffic & Transportation memorandum received 9<sup>th</sup> January & 10<sup>th</sup> March 2025

#### **Contact Information:**

Any person wishing to inspect these documents should contact Gordon Arthur at [esplanning@northlan.gov.uk](mailto:esplanning@northlan.gov.uk)

#### **Report Date:**

28<sup>th</sup> April 2025

## APPLICATION NO. 24/01192/S42

### REPORT

#### 1. Site Description

- 1.1 The site measures approximately 6.7 ha in area, is undeveloped and currently an enclosed field. The applicant advises that it has not been actively used for many years and was last in use as an agricultural field. The site is comprised of improved grassland with areas of tall ruderal vegetation on the northern, eastern, and southern boundaries. The site is located in north-west Bargeddie, bounded by Manse Road and a railway line to the north; Coatbridge Road and a car dealership to the south; residential properties to the east and to the west by the M73 on a raised embankment. Current ground levels at the site generally fall from a high point in the south-west of the site at 75.1m AOD, to low points in the north-east at 70.0m AOD and to the south-west boundary of the site at 71.2m AOD. The M73 on the west boundary of the site is situated at approximately 79.0m AOD. The site is currently only accessible to vehicles or pedestrians from Manse Road via a farm gate located in the northwest corner where a phone mast is located. There are no other built structures on the site.

#### 2. Proposed Development

- 2.1 The application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as Amended) for non-compliance with conditions 1, 17, 18, 19 and 21 attached to Planning Permission ref. 20/00827/FUL.

- 2.2 The amendments proposed include.

- A change of house types.
- A reduction in the number of units from 126 units to 117 units
- Layout alterations resulting from the changes in house types
- Modification of noise mitigation measures resulting from the above changes.
- Amendments to the drainage layout.

- 2.3 The applicant has submitted a schedule of the relevant conditions with proposed changes. The changed conditions are listed above. Changes proposed substituting A with B are as follows:

##### **A. Original Condition (ref. 20/00827/FUL)**

Condition 17: That before the development is completed all the noise mitigations require to be installed as detailed in proposed residential development Environmental noise impact assessment for proposed residential development at Manse Road, Bargeddie, North Lanarkshire, consolidated report June 2021.

Condition 18: A number of plots on the site require to have some or all windows of habitable rooms closed to provide suitable internal noise levels. Details for each of the plots and the façade(s) which require acoustic treatment in terms of glazing and ventilation are provided in the environmental noise impact assessment for proposed residential development at Manse Road, Bargeddie, North Lanarkshire, consolidated report June 2021. Before any of the plots identified are occupied these mitigation measures must be installed as per the requirements in the report and correct installation of the glazing and ventilation units must be validated by a suitable qualified acoustician.

Condition 19: That for any property where the mitigation involves Acoustic Barriers these must be installed as per Proposed residential development Environmental noise impact assessment

for proposed residential development at Manse Road, Bargeddie, North Lanarkshire, consolidated report June 2021. Before any of these plots are occupied the installation and finish of these acoustic barriers must be validated by suitably qualified acoustician.

Condition 21: That before any dwellinghouse within the site hereby permitted is occupied, any noise mitigation measures agreed under the terms of Condition 16 - 19 above shall be installed to the satisfaction of the Planning Authority.

### **B. Variation to Conditions Proposed (ref. 24/01192/S42)**

- 2.4 The proposed non-compliance with these conditions is in respect of the requirement to comply with the Noise Impact Assessment Report dated June 2021. A new Noise Impact Assessment (NIA) has been prepared to reflect the proposed changes in house types and associated housing layout and the applicant seeks consent to comply with a new NIA in place of the 2021 NIA report which formed part of the conditions of the previous consent (20/00827/FUL). It is proposed that Conditions 17-19 and 21 of 20/00827/FUL are merged into the following single acoustic condition that will relate to the new Noise Impact Assessment dated 20 September 2024:-

*The development will be completed in strict accordance with the acoustic mitigation measures outlined in 'Environmental Noise Impact Assessment – Bargeddie' dated 20 September 2024 unless otherwise approved by this Planning Authority. For the avoidance of doubt, this will include all glazing and ventilation requirements, the installation of acoustic barriers and the completion of all other acoustic mitigation measures outlined within the approved noise impact assessment. No dwelling will be occupied until the completion of the appropriate noise mitigation measures related to that individual dwelling have been implemented and validated by a suitably qualified acoustician. Any noise mitigation measures required will be installed to the satisfaction of the Planning Authority.*

- 2.5 Should members decide that planning permission should be granted subject to different conditions from the previous permission, then the Section 42 application should be granted. Should it be decided that the previous planning conditions should continue to apply without changes, then the Section 42 application should be refused. The Council has discretion when granting a Section 42 application to add new conditions or to vary any of the conditions relevant to the terms of the Section 42 application. This includes changing or adding conditions other than those which the applicant has applied to vary, provided that members have a reasonable basis for doing so. Changes in circumstance (e.g. updated technical guidance) since the previous permission may have arisen. However, new restrictive conditions should not be applied to existing established approval unless these fairly and reasonably relate to the conditions that the applicant has applied to vary. If the previous permission was subject to a Section 75 obligation or other legal agreement, then it will often be necessary to update this to refer to the new permission. A Section 42 permission will normally be subject to the normal statutory time periods specified in Section 58 and 59 of the Act, however as with other applications the council has discretion to vary these timescales by including a direction to that effect in the decision notice.

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

- 3.1 Supporting information included the following:

- Supporting Statement
- Drainage information
- Noise Impact Assessment
- Planning Statement
- Street Engineering Review

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

4.1 Relevant and recent planning history includes the following:

- 16/00483/PAN Proposal of Application Notice: Erection of Residential Development with Formation of Accesses, Landscaping and Associated Works
- 20/00827/FUL Residential Development with Formation of Accesses, Landscaping and Associated Works
- 22/00417/FUL Upgrade to existing telecom installation (New Tower Headframe)
- 24/01203/ADV Erection of two non-illuminated standalone signs.

#### 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 1 Tackling the Climate and Nature Crises

Policy 2 Climate mitigation and Adaption

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

Policy 23 Health and Safety

North Lanarkshire Local Development Plan (LDP)

PROM LOC 3 Housing Development Site

PP3 Purpose of Place (General Urban Area)

CI Contributions to Infrastructure

EDQ 1, 2, 3 Environmental and Design Qualities

#### 6. **Consultations**

6.1 **NLC Environmental Health (Pollution Control)** has advised the proposed development does not comply with their noise guidance. They also sought clarification on the exact position of the proposed 3m acoustic barrier as documents submitted show the barrier ceasing at different points to that originally approved under the terms of planning consent 20/00827/FUL. Further information was provided by the applicant which advised that when the proposed development was compared with the approved Barratt layout from May 2021 (20/00827/FUL) the proposed development slightly reduces the relative percentage of units that would require acoustic trickle vents to that originally approved. The relative percentage of units that will require acoustic trickle vents would now be 97% compared to 99% originally approved. After further consultation with Environmental Health they advised that they had no objection to the S42 application and specifically, the removal of part of the acoustic barrier, originally proposed, along the southern boundary of the site or to the proposed changes to the conditions in order to refer to the most recent version of the acoustic report.

- 6.2 NLC Transportation and Infrastructure** has no objection to the proposal following the submission of a revised layout drawing. Comments were provided on the revised layout which have been carried forward as planning conditions.
- 6.3 Scottish Gas Network (SGN)** confirm the presence of a High-Pressure Gas Transmission Pipeline in the vicinity of the proposed development. The building proximity distance for high pressure gas pipeline E06 is 15 metres and pipeline G02 is 28 metres, in accordance with the recommendations of The Institution of Gas Engineers document TD/1 Edition 5. SGN recommended a site meeting with the applicant to identify the location of the pipeline and discussions should take place with the developer to discuss which measures would be necessary and could be undertaken in order to safeguard the security of the pipeline. A condition is recommended to ensure a site meeting takes place with the applicant. The proposed dwellings are positioned well outwith the building proximity distances and should planning permission be granted an appropriate condition to control this matter is attached.
- 6.4 Education** advised on permission 20/00827/FUL that St Kevin's Primary school is currently operating over its overall capacity, and it is anticipated that Bargeddie Primary school will be operating over capacity in future years. They confirmed that this position is unchanged with this application in that the additional pupil product from this proposed development could not be absorbed within the existing school provision and will add to the capacity pressures in the local area. In line with other developments in the local area, it is therefore requested that a developer contribution of £912,600 which is equivalent to £7,800 per unit is the subject of a legal agreement on the subject of a commuted sum towards education provision in the local area. The applicant has confirmed his agreement to this.
- 6.5 Health and Safety Executive (HSE)** In terms of the high pressure gas pipeline that crosses the site, HSE do not advise on safety grounds, against the granting of planning permission in this case.

## **7. Representations**

- 7.1 Following the neighbour notification process including an advert in the local press no representation was received.

## **8. Planning Assessment**

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise. This application has been made under section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks permission to modify the conditions relating to the proposed house types, their layout and the noise mitigation measures associated with the proposed development. Therefore, whilst it is recognised that the principle of residential development has been accepted previously it is still necessary to consider if there have been any changes in planning policy since the previous permission 20/00827/FUL and if the proposed development would still be able to be accommodated without unacceptable detriment to the character and amenity to that approved previously.
- 8.2 The Development Plan is made up of National Planning Framework 4 (NPF4) and the adopted North Lanarkshire Local Development Plan (LDP). The North Lanarkshire Local Development Plan identifies the site as being an allocated housing development site under PROM LOC3. Therefore, the principle of residential development of the site remains appropriate and likely to be acceptable in terms of policy PP3 of the LDP, subject to assessment against the Environmental and Design Qualities policies, EDQ 1, 2, 3 of the LDP and the other relevant policies of NPF4. With NPF4 prevailing over any LDP policies that are incompatible with its aims and objectives.

## **NPF4**

- 8.3 Policy 1 Tackling the Climate and Nature Crises and Policy 2 Climate Mitigation and Adaption give weight to the global climate and nature crises. The application site is an identified housing site within the LDP. It is therefore considered to be a sustainable site that can deliver energy efficient homes and as such can be seen to be compatible with the requirements of Policies 1 and 2 of NPF4.
- 8.4 Policy 3 Biodiversity seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The proposed development has a wide green corridor at the mid point of the site along its northern and southern axis. In addition to this green area, the SUDS area in the north east corner of the site and green edging along the western boundary to the M73 and along the site's boundary to Coatbridge Road are considered sufficient to allow the proposal to meet NPF4's biodiversity requirements and an appropriate condition has been attached to control this matter.
- 8.5 Policy 13 Sustainable Transport 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 is located near established bus routes and is considered to show sufficient connectivity to meet this policy requirement.
- 8.6 Policy 14 Design, Quality and Place seeks to ensure that developments are of a good design, are not detrimental to the amenity of the surrounding area and are consistent with the 6 qualities of successful places – Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. It is considered that the proposal is largely consistent with these qualities. However, it is considered that the impact of noise requires further consideration and this is assessed below against the Environmental and Design Qualities policies, EDQ 1, 2, 3 of the LDP
- 8.7 Policy 15 Local Living and 20 Minute Neighbourhoods 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 proposed development relates to an allocated housing site within the LDP and is therefore considered to be in a sustainable location. It is positioned adjacent to established housing areas with nearby bus routes and is therefore considered to comply with this policy.
- 8.8 Policy 16 Quality Homes 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. As such the principle of housing is acceptable, so long as the detailed considerations of the development are acceptable. However, it is considered that the impact of noise requires further consideration and this is assessed below against the Environmental and Design Qualities policies, EDQ 1, 2, 3 of the LDP
- 8.9 Policy 21 Play, Recreation and Sport looks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. The proposed development provides a considerable area of open space within the centre of the site for recreational use and a designated play area. It is therefore considered to be acceptable in terms of the requirements of this policy.
- 8.10 Policy 22 Flood Risk and Water Management seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Mapping generated by SEPA indicates that that some parts of the northern and southern edge and north east corner of the site may be affected by surface water. 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 can be controlled by condition and the proposed development would be able to comply with this policy. An appropriate condition has been attached to control this matter, should planning permission be granted.

- 8.11 Policy 23 Health and Safety seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and well being. Criteria (e) notes that development proposals that are likely to raise unacceptable noise issues will not be supported and that a Noise Impact Assessment may be required where the nature of the proposal or its location raise the potential need for noise to be considered. A Noise Impact Assessment has been submitted for the site and this matter is considered below against the Environmental and Design Qualities policies, EDQ 1, 2, 3 of the LDP.

#### **North Lanarkshire Local Development Plan (LDP)**

- 8.12 PROM LOC 3 Housing Development Site and PP3 Purpose of Place. As an allocated housing site the council requires development to maintain and improve the level of amenity appropriate for the local context. As detailed above it is considered that the proposed development can adhere to these policy requirements subject to assessment against Environmental and Design Qualities policies, EDQ 1, 2, 3 of the LDP. These are considered below.
- 8.13 CI Contributions to Infrastructure seeks to secure developer contributions for new developments that, individually or cumulatively, generate a requirement for new or enhanced infrastructure or services. A S75 agreement is in place for the previous approval (20/00827/FUL) requiring a developer's contributions towards education provision. Education requested £7,800 per unit and this obligation still requires to be met should planning consent be granted for this application. No consent would therefore be issued until the developer had completed a revised Section 75 Agreement with the Planning Authority to continue to secure the appropriate level of financial contribution for education provision.
- 8.14 EDQ 1 (Site Appraisal), EDQ 2 (Specific Features for Consideration) and EDQ 3 (Quality of Development) consider a range of potential impact criteria such as design, materials, and road safety, including if the development is in an area subject to hazards such as in this case a high pressure gas pipeline. The overall provision is that proposals must integrate successfully with the surrounding area maintaining acceptable levels of amenity, whilst meeting the challenges of climate change and sustainability.
- 8.15 Development will only be permitted where high standards of site planning and sustainable design are achieved. Aspects such as siting; overall layout; density; form; scale; height; massing; proportion; detailing; colour; materials for the proposed development need to be considered. The proposed house types for the site have been replaced and the flats that were originally proposed within the scheme have been removed which has reduced the overall number of units within the site from 126 to 117. The applicant now proposes a mix of two, three and four bedroom houses comprising detached, semi-detached and terraced properties. It is considered that the scale, density, design and overall layout; of the proposed development would be acceptable and would integrate successfully into the local and wider area. The supporting information demonstrates that the development will not result in a significant impact in terms of daylight and shadowing and the choice of materials can be controlled by condition.
- 8.16 In terms of road safety following consultation with NLC Transportation and Infrastructure a satisfactory revised layout was submitted for review and found to be acceptable.
- 8.17 In terms of air quality and pollution no concerns were raised by Environmental Health. In terms of noise however, the applicant acknowledges that the removal of a block of flatted dwellings within the original approved layout and their replacement with dwellinghouses will alter the acoustic profile of the development considered within the Environmental Noise Impact Assessment for proposed residential development at Manse Road, Bargeddie, North Lanarkshire, consolidated report June 2021. Mindful of this the applicant submitted a report for consultation 'Environmental Noise Impact Assessment – Bargeddie' dated 20 September 2024. This assessment outlines the acoustic profile of the new site layout supplementing the original



Noise Impact Assessment that accompanied the original planning permission. This assessment outlines the acoustic levels within the dwellings and within their private amenity spaces and mitigation required. The proposed planning condition relating to the acoustics of the site (noted above) is therefore worded in a way to require that the relevant mitigation is installed prior to the occupation of each dwelling. As such, the proposed dwellings will continue to achieve a level of acoustic performance to that previously approved. In terms of the S42 proposed amendments, a comparison between the two proposals was carried out and it was considered that there was little difference between the S42 proposal and that previously approved, in that the site was 99% windows closed before and now 97% windows closed. To that end, NLC Environmental Health have no objection to the S42 application and specifically, the removal of part of the acoustic barrier, originally proposed, along the southern boundary of the site and changes to the conditions to refer to the most recent version of the acoustic report. Should planning permission be granted, an appropriate condition has been imposed to control this matter.

- 8.18 In terms of flooding and drainage developments an initial 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. On this basis it is considered that the development does not present flooding concerns and conditions can be imposed to confirm the drainage proposals are installed in accordance with the plans and SUDS principles and that Scottish Water's requirements for connection are met.
- 8.19 In terms of the high pressure gas pipeline that crosses the site, HSE do not advise on safety grounds, against the granting of planning permission in this case.
- 8.20 Adequate provision can be made for the development and maintenance of landscaped areas, biodiversity and for linking to and enhancing open spaces and green networks. If planning permission is granted appropriate conditions can be imposed to control this matter.
- 8.21 In concluding this policy assessment it is considered that the proposed amended layout has been considered and designed in terms of siting, massing and finishing materials to an acceptable standard, as such, it is considered that the proposal complies with policies EDQ 1, 2 and 3. It is also considered that the proposal by virtue of its design and location is acceptable in terms of amenity.

#### **Other- Material considerations**

- 8.22 In referring to Circular 4/1998, the use of Planning Conditions in Planning Permission, conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- *necessary*
- *relevant to planning*
- *relevant to the development to be permitted*
- *enforceable*
- *precise*
- *reasonable in all other respects.*

- 8.23 It is considered that the conditions subject of this application meet these criteria.

8.24 If the previous permission was subject to a Section 75 obligation or other legal agreement, then it will be necessary to update this to refer to the new permission. The extant permission 20/00827/FUL is subject to section 75 Legal agreement for impact on Education infrastructure. No consent can therefore be issued until the developer has completed a revised Section 75 Agreement with the Planning Authority to continue to secure the appropriate level of financial contribution for education provision.

## **9. Conclusions**

9.1 Due consideration has been given to the proposed amendments against the provisions of the development plan and no substantive reason has been found to warrant the refusal of this application. Given the provisions of the development plan and circular 4/1998 it is recommended that the substitution of conditions as amended is accepted and the application is approved, subject to the attached conditions.

**Application No:**

25/00051/FUL

**Proposed Development:**

Detached Dwelling with Integral Garage

**Site Address:**Land At  
Woodside Avenue  
Kilsyth**Date Registered:**

13th February 2025

**Applicant:**Mr & Mrs Crainey  
C/o Agent**Agent:**ILG Design  
Suite 6  
350 Main Street  
Camelon  
Falkirk  
FK1 4EG**Application Level:**

Local Application

**Contrary to Development Plan:**

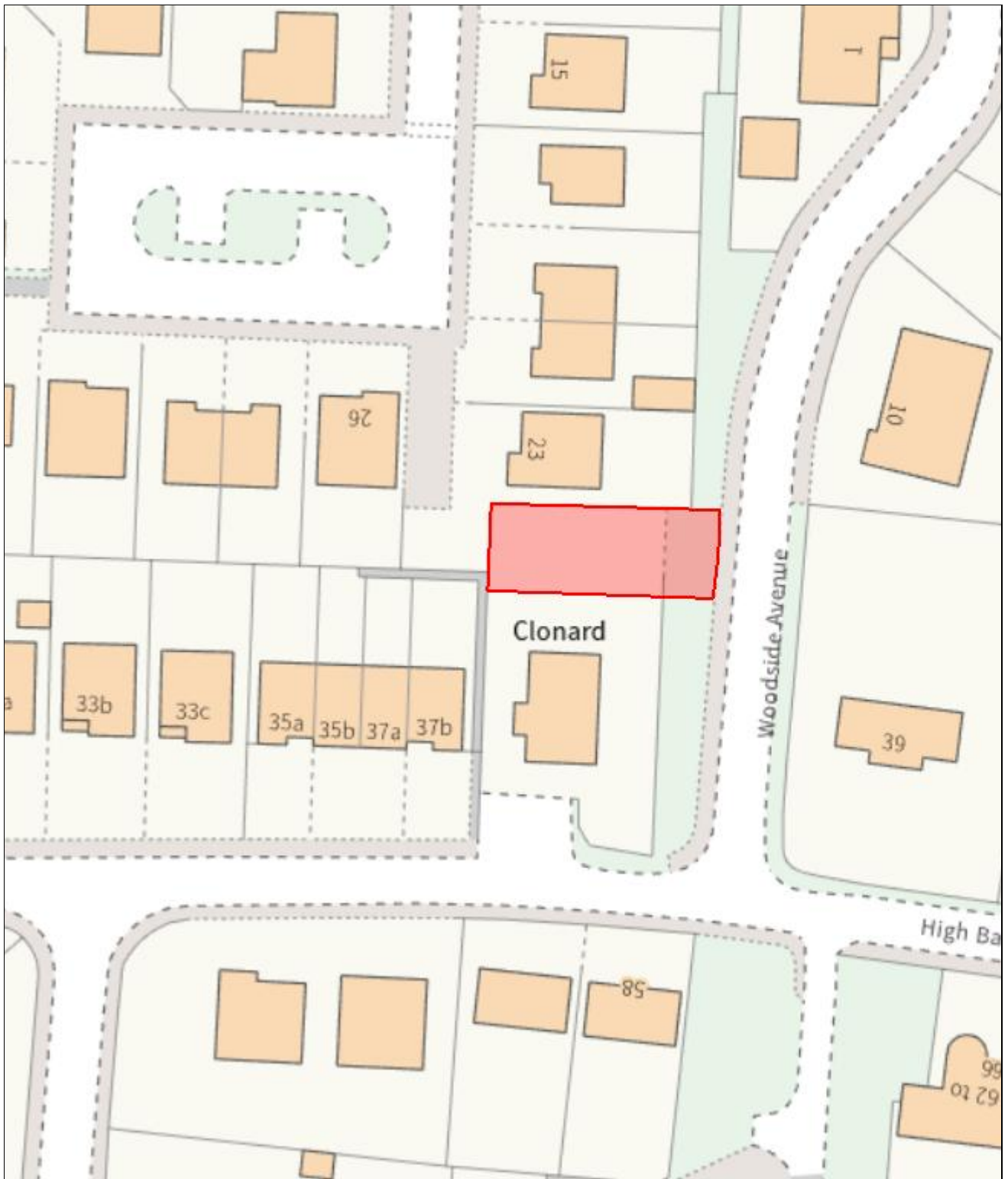
No

**Ward:**01 Kilsyth  
Jean Jones ,Heather Brannan-McVey, Denis  
Johnston,**Representations:**

7 letter(s) of representation received.

**Recommendation:****Approve Subject to Conditions**

**Reasoned Justification:** The proposed development is acceptable as it could be accommodated within the site without adversely affecting the residential amenity of neighbouring properties or residential character of the surrounding area. As such, the proposal accords with the policy provisions of the Development Plan



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Planning Application: 25/00051/FUL  
 Name (of applicant): Mr & Mrs Crainey  
 Site Address: Land At Woodside Avenue  
 Kilsyth

Development: Detached Dwelling with Integral Garage



### **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: -

A-501, A101 Rev A, A-502 Rev B, A-801 Rev A, A-901 and G24-638-A-502-Rev C

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

2. That before the development starts, a site investigation shall be submitted to and approved in writing by the Planning Authority. 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 on the site investigation must include a site specific risk assessment of all relevant pollution linkages with reference to ground contamination, 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. Any remediation work required identified via the site investigation must be completed and verification provided by a suitably qualified engineer before the house is occupied.

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

3. That for the avoidance of doubt, any remediation works identified by the site investigation required in terms of Condition 2 above, shall be carried out to the satisfaction of the Planning Authority. A certificate (signed by a responsible Environmental Engineer) shall be submitted to the Planning Authority confirming that any remediation works have been carried out in accordance with the terms of the Remediation Strategy.

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

4. That a visibility splay of 2.5 metres by 60 metres, measured from the road channel, shall be provided on both sides of the vehicular access and before the development hereby permitted is occupied, everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and, thereafter, nothing exceeding 1.05 metres in height above road channel level shall be planted, placed, erected, or allowed to grow, within these sight line areas.

**Reason:** In the interests of traffic and pedestrian safety

5. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no changes shall be made to the existing windows of the dwellinghouse, including modifications, replacements, or the addition of any new windows hereby permitted, other than that expressly authorised by this permission.

**Reason:** To enable the Planning Authority to retain effective control, in order to safeguard the residential amenity of the area.

6. 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

7. That BEFORE the development hereby permitted starts, any proposed 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 enable the Planning Authority to consider these aspects in detail.

**Background Papers:**

**Consultation Responses:**

NLC Infrastructure & Transportation dated 28 February 2025 and 3 March 2025

NLC Protective Services dated 13 March 2025

**Contact Information:**

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

**Report Date:**

25th April 2025

## APPLICATION NO. 25/00051/FUL

### REPORT

#### 1. Site Description

- 1.1 The application site is situated north of the rear garden ground of Clonard, High Barrwood Road and located within an established residential area. The site is currently vacant but is understood to have been previously used for a local convenience shop. The site is bound by recently constructed modern residential dwellings to the north and west, established residential properties to the east and the Clonard property to the south.

#### 2. Proposed Development

- 2.1 The application seeks full planning permission for the erection of a detached dwellinghouse with integral garage.

#### 3. Applicant's Supporting Information

- 3.1 The original proposal was for the erection of a 3 storey dwellinghouse. This was assessed and viewed as not being in keeping within the area which would also have resulted in a detrimental impact on the neighbouring properties as such discussions took place with the applicant. Revised drawings were submitted to reduce the height of the dwellinghouse which is in keeping within the residential area.
- 3.2 The new proposed development is a 2 storey detached, 3-bedroom dwelling with integral garage which measures 11.1m in length and 8.6m in width, giving the dwelling a footprint of 95.46sqm. The height of the eaves is 4.8m and a total height of 7.7m.
- 3.3 The proposed external finishes consist of white render, anthracite uPVC windows, doors, soffits and Fascia, Black uPVC downpipes and gutters with Marley Moden Broken Bond Gray concrete roof tiles. Below the Damp Proof Course Stone will be facing Gleneagles granite facing brickwork.
- 3.4 The proposed front garden has a maximum point of 7.2m and a minimum point of 5.1. The rear garden is 8.6m in length. While the minimum rear garden depth is not met, the proposed development is considered acceptable as the position of the dwelling will limit the impact to neighbouring properties. The integral garage is 1m from the south boundary line, but the main dwelling is 2.8m away. The dwelling is situated 2.4m from the north boundary line.
- 3.5 The front curtilage will accommodate off street parking with 3 spaces available as well as an integral garage. The internal garage measurements at 3.5m x 6.2m.
- 3.6 The boundary of the site will consist of 1.5m high timber fence along the west and north perimeter. The southern perimeter will consist of a 0.75m brick wall with a 0.75m timber fence situated on top, 1.5m in total.
- 3.7 A design statement was received advising the benefits of including an integral garage rather than the erection of a detached garage at the rear of the property. These benefits are:
- For a detached garage vehicles would travel along the side of the property causing nuisance noise to neighbours
  - For a detached garage any work carried out within the garage would be in close proximity to neighbouring rear gardens- cause noise and irritation.
  - A detached rear garage would reduce rear garden size restricting that amenity to the homeowners
  - A detached rear garage would require the construction of large driveway to the side would reduce garden area.

#### 4. Site History

- 16/02271/FUL – Erection of Two Storey Dwellinghouse (Application Permitted) granted on 24 May 2017

#### 5. Development Plan

- 5.1 The development plan consists of National Planning Framework 4 (NPF4) adopted on the 13 February 2023 and the North Lanarkshire Local Development Plan (LDP) adopted 2022.
- 5.2 Relevant NPF4 Policies are Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes). With regards to the LDP the site is allocated as General Urban Area within the Placemaking Policies so policy PP3 (General urban Area) and AD3 Policy (Amount of Development) apply. EDQ 1 (Site Appraisal) and EDQ 3 (Quality of Development) are also relevant.

#### 6. Consultations

- 6.1 NLC Protective Services were consulted on 21 February 2025, A response was received on 3 March 2025. The following points were raised:

That before the development starts, a site investigation shall be submitted to and approved in writing by the Planning Authority. 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 on the site investigation must include a site-specific risk assessment of all relevant pollution linkages with reference to ground contamination, 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. Any remediation work required identified via the site investigation must be completed and verification provided by a suitably qualified engineer before the house is occupied.

**Response.** This is covered with Condition 2

Time limits in relation to noise associated with construction, any external lighting and the prevention of dust emission beyond the site boundary.

**Response:** The above points have been added as informatives

- 6.2 NLC Infrastructure and Transportation were consulted on 21 February 2025. A response was received on 28 February 2025 and 3 March 2025, advising they have no objections subject to the points below.

Improved access crossing may be required, the upgrade should be constructed to standards indicated in the Design Manual for Roads and Bridges.

Visibility splay of 4.5m x 60m should be measured from a driver eye height of 1.05m should be provided in both directions.

**Response:** A revised drawing was submitted 20 March 2025 showing the visibility splays.

Three parking bays and a garage have been provided. This provision is sufficient to meet the required standards assuming the internal dimensions of the garage comply with the requirements 3m x 6m.

**Response:** It is confirmed that the integral garage meets these requirements as measurements were taken from the proposed drawings and the internal garage dimensions are: 3.5m x 6.2m.



## 7. Representations

7.1 Standard Neighbour Notification letters were issued on the 17 February 2025, after receiving the revised drawings the neighbours were then renotified on the 14 March 2025, 6 letters of objection and 1 letter of support were received. The objections raised can be fairly summarised as follows

- Three storey building is not in keeping with the surrounding area
- Overlooking issues such which impacts privacy
- Block light in to rear garden

## 8. Planning Assessment

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The application raises no strategic issues and can be assessed against the local plan.

8.2 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 (assessed below). The policies within NPF4 that are relevant to the application include Policy 14 (Design, Quality and Place), Policy 16 (Quality Homes)

**Policy 14 (Design, Quality and Place)** Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

**Policy 16 (Quality Homes)** encourages, promotes and facilitates the need for more high quality, affordable and sustainable homes.

8.3 **Assessment:** The applicant was advised the original proposal of a three storey dwellinghouse was not supported by the NPF4 Policies 14 and 16. Revised drawings were submitted to reduce the height and reassessed against the relevant NPF4 policies. With these changes to the proposal Policy 14 and Policy 16 within NPF4, support this application as the design is deemed appropriate in scale and nature and will not harm the residential amenity of the site or general area. Adequate garden ground would be achieved and there will be minimal impact on the privacy of the surrounding properties.

8.4 The proposal must comply with policies set out in PP3 (General Urban Area) and AD3 Policy (Amount of Development) within the Adopted North Lanarkshire Local Plan 2022. PP3 General Urban Area 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. EDQ 1 (Site Appraisal) and EDQ 3 (Quality of Development) are also relevant as these policies consider issues such as massing, height, style, finishing materials of any building, as well as orientation and topography of the site.

8.5 **Assessment:** The proposed dwellinghouse has been assessed against the above policies. The two storey dwellinghouse is viewed as inkeeping with the residential area. The proposal is considered to be acceptable in relation to Policy EDQ1 and EDQ3 as the proposal improves the level of the amenity within the urban area in that it will remove a currently vacant site within the urban area which has been cleared at some point and secured on the Woodside Avenue boundary by temporary heras fencing . EDQ3 states that development will only be permitted where high standards of site planning and sustainable design are achieved. The proposal is considered to be acceptable in all of these respects and can be accommodated without detriment to the amenity of the surrounding area or adjoining land-uses.

8.6 The matters raised in the letters of representation are addressed in turn below:

- A three-storey house is not in keeping within the area

**Comment:** The three-storey house was assessed, and it was agreed the scale and design was not suitable for the location of the site. Revised drawings were received to reduce the dwellinghouse in height which would accommodate a two-storey house which is more inkeeping of the area and reflective of the house that was previously approved on the site.

- Overlooking issues impacting on privacy

**Comment:** It is viewed that the dwellinghouse will not impact the privacy within any neighbouring properties because of distances involved, window positions and orientation of existing dwellings relative to the proposed house.

- The dwellinghouse will overshadow garden ground

**Comment:** Overshadowing of garden ground is not something that can be given any significant weight. A 25-degree sunlight/daylight assessment was carried out for both proposals, assessing the impact the development would have on the Clonard property situated south of the site. While the three-storey dwelling failed the test, the reduced height of the two-storey dwelling passed, meaning there would be an acceptable standard of daylight to the Clonard rear window. It is viewed that, while there will be an impact of sunlight/daylight to the property north of the site. The impact will be to the rear garden ground and not to any habitable rooms within the dwelling so is not sufficient to warrant a refusal of permission or redesign.

8.7 It is worth noting, a planning application was submitted for a two-storey dwellinghouse in 2016, planning reference 16/02271/FUL. That application was granted on 24 May 2017. The proposed development was halted due to Covid.

## 9. Conclusions

9.1 In conclusion, considering all the circumstances relevant to this application, the proposed development 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 General Urban) and AD 3 Amount of Development in North Lanarkshire Local Development Plan 2022. Taking account of the provisions of the development plan and all other material considerations, it is recommended that permission be granted subject to conditions.

**Application No:**

25/00075/FUL

**Proposed Development:**

Change of Use from Care Home Facility to 5 No. Self Contained Apartments, with Minimal External Alterations

**Site Address:**1 Abbeyfield House  
Colston Road  
Clarkston  
Airdrie  
ML6 7AA**Date Registered:**

27th January 2025

**Applicant:**Mr Mohammad Akram  
10 Balloch Holdings  
Cumbernauld  
G68 9AT**Agent:**B3 Architects  
Office 875  
3 Fitzroy Place, 1/1  
Glasgow  
G3 7RH**Application Level:**

Local Application

**Contrary to Development Plan:**

No

**Ward:**08 Airdrie North  
Alan Beveridge, Sophia Coyle, Henry Emerson  
Dunbar, Richard Alan Sullivan,**Representations:**

10 letter(s) of representation received.

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

The development meets the criteria set out in the residential policies contained within National Planning Framework 4 and the North Lanarkshire Local Development Plan. The development is acceptable in terms of its impact upon the property and the surrounding residential area.



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Planning Application: 25/00075/FUL  
 Name (of applicant): Mr Mohammad Akram  
 Site Address: 1 Abbeyfield House  
 Colston Road  
 Clarkston  
 Airdrie  
 ML6 7AA

Development: Change of Use from Care Home Facility to 5 No. Self Contained Apartments, with Minimal External Alterations



### **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:-

1125 01; 1125 02; 1125 03; 1125 04A; 1125 05; 1125 06B; 1125 07; 1125 08A; 1125 09A;  
1125 10; 1125 11; 1125 12 & 1125 13

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

2. That BEFORE the development hereby permitted starts, details of the surface finishes to all parking and manoeuvring areas shall be submitted to and approved in writing by the Planning Authority.

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

3. That before the development hereby permitted is Complete, all the parking and manoeuvring areas shown on the approved plans, shall be levelled, properly drained, surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out, and shall, thereafter, be maintained as parking and manoeuvring areas.

**Reason:** In the interests of traffic safety and visual amenity of the area.

4. 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 and shall thereafter be implemented prior to the dwellinghouses hereby permitted being occupied.

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

5. That unless otherwise agreed in writing by the Planning Authority, before the development hereby permitted starts, a scheme of landscaping, and boundary treatments, shall be submitted to, and approved in writing by the Planning Authority and it shall include:-

- a. Details of any earth moulding, 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. For the avoidance of doubt these should include native species, which are beneficial to native wildlife.
- 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 timetable for the implementation of these works contemporaneously with the development.

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

6. That the landscaping scheme approved under the terms of Condition 5 above, shall be implemented in accordance with said condition and completed BEFORE the flats hereby permitted are brought into use. For the avoidance of doubt, any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within 2 years of the completion of the development, shall be replaced within the following year with others of a similar size and species.

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

7. That before the occupation of any flats, 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. any communal fences and walls;
- b. all other communal areas

**Reason:** To ensure the maintenance of communal areas and infrastructure in the interest of amenity.

8. That before completion of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 7 shall be in operation.

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

9. Notwithstanding the details within condition No. 3 above, the parallel parking spaces 6, 7 & 8 shown on drawing number 1125 06B, shall all be 6m in length.

**Reason:** In the interests of traffic safety.

**Background Papers:**

**Consultation Responses:**

NLC Protective Services (including Pollution Control) received on 19/02/25

NLC Infrastructure & Transportation received on 21/02/25 and 27/03/25

**Contact Information:**

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

**Report Date:**

22nd April 2025

## APPLICATION NO. 25/00075/FUL

### REPORT

#### 1. Site Description

- 1.1 The site is approximately 0.1 hectares and is a former care home. The site is located on Colston Road, which is a quiet residential road and has an existing access off from Colston Road. Colston Road is accessed from Forrest Street which forms part of the A89 road and is a main thoroughfare within Airdrie. The site is approximately 0.5km east of Airdrie Town Centre. The site is also reasonably well served by public transport, with links to local bus services on Forrest Street and with Airdrie Train Station (approximately 1.3km) and Drumgelloch Train Station (approximately 0.9km) within fairly close proximity.

#### 2. Proposed Development

- 2.1 The proposed development involves the conversion of the former Abbeyfield Care Home to form five 2-bedroom, flatted dwellings. The flatted development would utilise the existing access for the care home, and following discussions with the applicant, will now provide 8 off street parking spaces, with one of these having disabled access within the site. To achieve the additional parking, the applicant has proposed the removal of the pedestrian pathway at the access, which will allow for the vehicle access width to be retained. The applicant will also provide a bike store for use with e-bikes for the residents of the development to use. The proposal also involves the removal of the existing bin store and replacing this with 2 smaller bin stores to serve the occupants of the flats.

#### 3. Applicant's Supporting Information

- 3.1 Alongside the drawings, the applicant has provided a planning statement.

#### 4. Site History

- 4.1 No relevant planning history.

#### 5. Development Plan

- 5.1 National Planning Framework 4 Policies:

3 (Biodiversity)  
9 (Brownfield, vacant and derelict land and empty buildings)  
13 (Sustainable transport)  
14 (Design quality and place)  
15 (Local Living and 20-minute neighbourhoods)  
16 (Quality homes)

North Lanarkshire Local Development Plan 2022 Policies:

PP3 (General Urban Area – Purpose of Place)  
AD3 (General Urban Area – Amount of Development)  
EDQ1 TO EDQ3 (Environmental and Design Qualities)

## **6. Consultations**

- 6.1 NLC Protective Services has no objection to the proposal, however they have identified that the building is in close proximity to potentially contaminated land, namely, railway land, a former pit and land used for authorised processes. Therefore, it has been indicated that if the presence of any unsuspected contamination becomes evident during renovations, that this shall be brought to the attention of the department within one week or earlier. They have indicated that at this stage a more detailed site investigation to determine the extent and nature of the contaminant(s), and a site-specific risk assessment of any associated hazards may be required. It is deemed appropriate to attach an informative to address this matter if the application is approved.
- 6.2 NLC Infrastructure & Transportation objected to the application on the basis of substandard parking being provided and has indicated that a development for five 2-bedroom flats should provide 10 parking spaces (1.5 spaces per dwelling, plus 0.3 visitor spaces per dwelling). It should be noted that initially the applicant proposed two parking spaces with disabled access alongside an e-bike store to serve the development. Following negotiation with the applicant, the on-site parking has been increased to 8 parking spaces, one with disabled access, as well as a slightly smaller e-bike store. NLC Infrastructure & Transportation were far more positive with regard to the significant increase in parking numbers, however, could not recommend approval on the basis that the parking provided would still fall short of the 10 recommended. While it is acknowledged that the parking proposed is slightly short of what they have recommended, it is considered that given that the proposal involves the conversion and re-use of an existing vacant building and site, as well as its proximity to Airdrie town centre and other sustainable modes of transport (bus/train), and with the inclusion of an e-bike store, that the shortfall in parking spaces is acceptable in this instance. It is also noted that there is the possibility for limited on street parking in the vicinity of the site and the short access spur road linking the site to Colston Road serves only the application property.

## **7. Representations**

- 7.1 Following neighbour notification procedure, 10 representations have been received (all objection) to the application for reasons which can be summarised as follows:
- Not enough off-street parking provided for the development, leading to additional street parking, which will impact on road safety.
  - Clarification is required with regard to the potential occupants.
  - Who will be responsible for upkeep of the site?
  - Loss of privacy as these flats will look directly onto many homes. Retaining existing trees as well as additional planting would mitigate this.
  - Noise pollution due to gatherings of residents within communal open space areas.
  - Site was intended to be a care home within a small area and was not meant to be residential apartments.
  - Bats are a protected species, how will the bats currently occupying the property be dealt with in line with current legislation?
  - Additional requirement for refuse collection to be provided by NLC and increased risk of rodent infestation.
  - Disruption during construction/renovation process with regard to skips, large construction vehicles and labourer vehicles.
  - There is a high expectation that no landscaping works will take place. Guarantees should be provided that existing landscaping shall not be removed.

## **8. Planning Assessment**

- 8.1 Under section 25 of the Town and Country Planning (Scotland) Act 1997, applications for planning permission are required to be determined in accordance with the policies of 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 In terms of National Planning Framework 4 (NPF4), the most notable policies which affect the proposal are Policies 3 (Biodiversity); 9 (Brownfield, vacant and derelict land and empty buildings); 13 (Sustainable transport); Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes).
- 8.3 NPF4 policy 3 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals should avoid potential adverse impacts and should contribute to the enhancement of biodiversity including strengthening nature networks and the connections between them. Local development proposals should include appropriate measures to conserve, restore and enhance biodiversity. Given that the proposal involves limited works to an existing site, it is not considered that the proposed works would result in a significant loss to biodiversity. However, a condition for a landscaping scheme to be submitted, has been attached to ensure that the development enhances the biodiversity of the site.
- 8.4 NPF4 policy 9 seeks to encourage, promote and facilitate the reuse of brownfield vacant and derelict land and empty buildings. This policy is supportive of proposals which involve the reuse of derelict land and buildings; therefore, the proposed development is considered to be in accordance with this policy.
- 8.5 NPF4 policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel, reducing the need to travel unsustainably and states that proposals to improve, enhance, or provide active travel infrastructure will be supported including electric vehicle charging infrastructure. It also states that development proposals will be supported where it can be demonstrated that the transport requirements have been considered in line with sustainable travel, which includes accessibility with public transport, providing secure and convenient cycle parking to meet needs of users. Furthermore, it states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well served by sustainable transport modes and where they do not increase barriers to access by disabled people. It is considered that the location of the site in terms of its proximity to Airdrie town centre and other sustainable modes of transport (bus/train), and with the inclusion of an e-bike store, that the current proposal will encourage the use of more sustainable forms of travel and is therefore in accordance with this policy.
- 8.6 NPF4 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 these qualities bringing back into use a vacant care home, for residential use, within a largely residential urban area and without detriment to the surrounding area. It is therefore considered to comply with this policy.
- 8.7 NPF4 Policy 16 supports developments for new homes on land allocated for housing in the LDP. The application site is within the urban area and the proposed development includes 5 flatted units for housing, so therefore meets the terms of this policy as it helps the Council's ambition to reach its target for there being a mix of housing types and size of units within the area. It will not have a detrimental impact on the area and is compliant with the general principles of this policy.

8.8 Within the NLLDP the site is covered by Policy PP3 General Urban Area which seeks to maintain and improve the level of amenity appropriate for the local context and encourage diversity in more mixed-use areas. This policy also requires such proposals to be assessed against the criteria of AD 3 (Amount of Development), EDQ 1 (Site Appraisal) and EDQ 3 (Quality of Development) which consider issues such as size, materials and road safety and which states that proposals must integrate successfully with the surrounding area by avoiding harm to the neighbouring amenity. Given that the proposal is to re-use an existing building with only minor external alterations, it is considered that the proposal is acceptable in terms of design. It is also considered that given the largely residential nature of the surrounding properties and area, that a residential use is the most suitable use for the vacant property, which will result in no significant impacts to neighbouring residential amenity. In terms of road safety, initially the applicant proposed two parking spaces with disabled access alongside an e-bike store to serve the development. Following negotiation with the applicant, the on-site parking has been increased to 8 parking spaces, one with disabled access, as well as a slightly smaller e-bike store. Whilst it is acknowledged that the parking proposed is slightly short of what has been recommended by NLC Infrastructure & Transportation, it is considered that given that the proposal involves the conversion and re-use of an existing building and site, as well as its proximity to Airdrie town centre and other sustainable modes of transport (bus/train), and with the inclusion of an e-bike store, that the shortfall in parking spaces is acceptable in this instance. Given the nature of the proposal, i.e. the conversion of an existing building, it is considered that the proposal would not result in any significant sunlight or daylight issues. In terms of privacy, no new windows are proposed for the existing building, therefore the privacy situation is not deemed to be any different from when the building was in use as a care home. In any case, the building is off-set from surrounding dwellinghouses, both in terms of the directions which the windows face and in terms of ground level, with the existing building having a lower ground level than the dwellinghouses on Forrest Street. This in conjunction with distances to neighbouring windows, the closest being 16m, means that the proposal will not result in any significant privacy concerns. It is therefore considered that the development is acceptable from a privacy perspective. In terms of amenity space, the Council's standards for open space requires 20m<sup>2</sup> per bedroom for flatted developments. The amenity space within the site is approximately 345m<sup>2</sup>, which equates to just over 34m<sup>2</sup> per bedroom. While it is recognised that a substantial proportion (approximately 172m<sup>2</sup>) of this is in the form of soft landscaping (trees/shrubs/plants), the remainder is usable as communal space for the flats. It is therefore considered that adequate outdoor amenity space will be provided for the development. It is therefore considered that the proposal complies with Policies PP 3, AD 3, EDQ 1 and EDQ 3 of the adopted North Lanarkshire Local Development Plan.

8.9 The development is therefore considered to be consistent with both NPF 4 and NLLDP policies.

### **Representations**

8.10 In response to the grounds of representation above in 7.1, these are commented on in the same order as they appear above:

- **Traffic and Road safety** – Whilst it is accepted that the parking to be provided is less than has been recommended by NLC Infrastructure & Transportation, the applicant has revised the scheme since the original objection comments were received and has attempted to provide as much parking as possible within the site. It is considered that given that the proposal involves the conversion and re-use of an existing building and site, as well as its proximity to Airdrie town centre and other sustainable modes of transport (bus/train), and with the inclusion of an e-bike store, that the shortfall in parking spaces is acceptable in this instance.
- **Clarification on occupants** – Although not a relevant planning consideration the applicant has indicated that the flats will either be for sale or private rent.
- **Responsibility for upkeep** – A condition has been attached which requires the applicant to arrange factors who will be responsible for the general upkeep of the site and for details of this to be submitted for written authorisation by the Planning Authority.
- **Privacy** – As is indicated in paragraph number 8.8 above it is considered that as no new windows are proposed for the existing building, the privacy situation is not deemed to be any different from when the building was in use as a care home. In any case, the building is off set from surrounding dwellinghouses, both in terms of the directions which the windows

face and in terms of ground level, with the existing building having a lower ground level than the dwellinghouses on Forrest Street. This in conjunction with distances to neighbouring windows, the closest being 16m, means that the proposal will not result in any significant privacy concerns.

- **Noise** – Noise generated by residents within communal amenity areas is not a material planning consideration.
- **Site intended to be care home** – Whilst it is acknowledged that the original designed use was as a care home, this does not preclude the property from having a different use, provided that this use is considered acceptable. The proposed use has been fully assessed against the local development plan, and it is considered that a flatted development is an appropriate use for the site and surrounding area.
- **Bats** – Whilst bats are a protected species, there is no requirement for an applicant to carry out protected species survey for the re-use of an existing building. The submission of an ecological report would only be required in certain circumstances where a building is proposed to be demolished. However, an informative has been attached which advises the applicant what they need to do if any bat roosts or hibernating bats are found or suspected.
- **Refuse collection** – Refuse collection is paid for by residents through Council tax. It is not considered that the proposal will result in an increase in vermin. However, if at a later stage it is suspected that there is a problem with vermin at the site, then the Council's Environmental Health section can be contacted via the Council's website.
- **Disruption** – Disruption during development of the site is not a material planning consideration. If there are any concerns regarding the conduct, hours of operation or work practices of the workers while on site, then these can be referred to the Council's Environmental Health section for further comment via the Council's website.
- **Landscaping** – A condition has been attached requiring submission of a landscaping scheme for written authorisation of the Planning Authority.

## **9. Conclusions**

- 9.1 In conclusion, following assessment of the application and notwithstanding the objections received, it is considered that the proposed flatted development satisfactorily complies with the criteria set out in the residential policies contained within National Planning Framework 4 and the North Lanarkshire Local Development Plan. The development is acceptable in terms of its impact upon the property and the surrounding residential area and is therefore recommended that planning permission is granted, subject to conditions.