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8 October 2024

**Members of the  
Planning Committee**

**Chief Executive's Office**

Archie Aitken  
Chief Officer (Legal & Democratic)  
Civic Centre, Windmillhill Street,  
Motherwell ML1 1AB  
[www.northlanarkshire.gov.uk](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, 17 October 2024 at 10:00 AM which you are requested to attend.

The agenda of business is attached.

**Archie Aitken**  
**Chief Officer (Legal & Democratic)**

**Members :**

N Shevlin, G Currie, B Baudo, G Brennan, B Burgess, A Bustard, J Cairns, 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 Application Index**      5 - 80  
        Submit Planning Application Index
  
- 3      **Compulsory Purchase Order 99 Stanhope Place, Gowkthrapple Town & Country Planning (Scotland) Act 1997**      81 - 112  
        Submit report by Chief Officer (Place) seeking approval to implement a Compulsory Purchase Order in relation to a property at 99 Stanhope Place Wishaw



***North  
Lanarkshire  
Council***

Planning Applications for consideration  
of Planning Committee

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Committee Date: 17<sup>th</sup> October 2024

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# APPLICATIONS FOR PLANNING COMMITTEE

**17th October 2024**

Page No	Application No	Applicant	Development/Site	Recommendation
8-15	<a href="#">24/00147/FUL</a>	Mr J McNeill	Change of Use and Conversion of Two Dwellinghouses to Houses of Multiple Occupation 106 Station Road/ 1 Dyfrig Street Dykehead Shotts ML7 4DJ	Grant
16-26	<a href="#">24/00156/FUL</a>	North Lanarkshire Council	Erection of 100 New Dwellings (Mix of Two Storey Houses, Bungalows, Cottage Flats and Flats), Associated Infrastructure, and Landscaping Site At Dunottar Avenue Shawhead Coatbridge	Grant
27-39	<a href="#">24/00242/MS</a>	Ambassador Partnership Homes Ltd	Erection of 30 Dwellings with Associated Roads, Parking, Drainage, Open Space and Landscaping (Approval of Matters Specified in Conditions of 19/00563/PPP) Land To The West Of Potassels Road Muirhead	Grant
40-51	<a href="#">24/00319/FUL</a>	North Lanarkshire Council	Demolition of 169 Flats (Blocks C,D and E) and Construction of 72 Flatted Units for Social Rent Including associated Car Parking & Amenity Landscaping Nos. 1-103 & 2-204 Millcroft Road Cumbernauld	Grant
52-63	<a href="#">24/00355/FUL</a>	North Lanarkshire Council	Development of Units Suitable for Class 4, 5 & 6 Use, Landscape Works, Drainage (Part Retrospective), Access and Associated Development. Land West of Ravenscraig Sports Facility 1 O'donnell Way Motherwell ML1 2TZ	Grant

64-79	<a href="#">24/00598/FUL</a>	Knight Property Group	Erection of Industrial Warehouse and Distribution Yard with Access and Parking Arrangements, Landscaping and Ancillary Works Land North of Belgowan Street Bellshill Industrial Estate Bellshill	Grant
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**Application No:**

24/00147/FUL

**Proposed Development:**

Change of Use and Conversion of Two Dwellinghouses to Houses of Multiple Occupation

**Site Address:**

106 Station Road/1 Dyfrig Street  
Dykehead  
Shotts  
ML7 4DJ

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**Date Registered:**

25th April 2024

**Applicant:**

Mr J McNeill  
1 Dyfrig Street  
Dykehead  
Shotts  
ML7 4DJ

**Agent:**

Hardie Associates Ltd  
78 Hopetoun Street  
Bathgate  
West Lothian  
EH48 4PD

**Application Level:**

Local Application

**Contrary to Development Plan:**

No

**Ward:**

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

**Representations:**

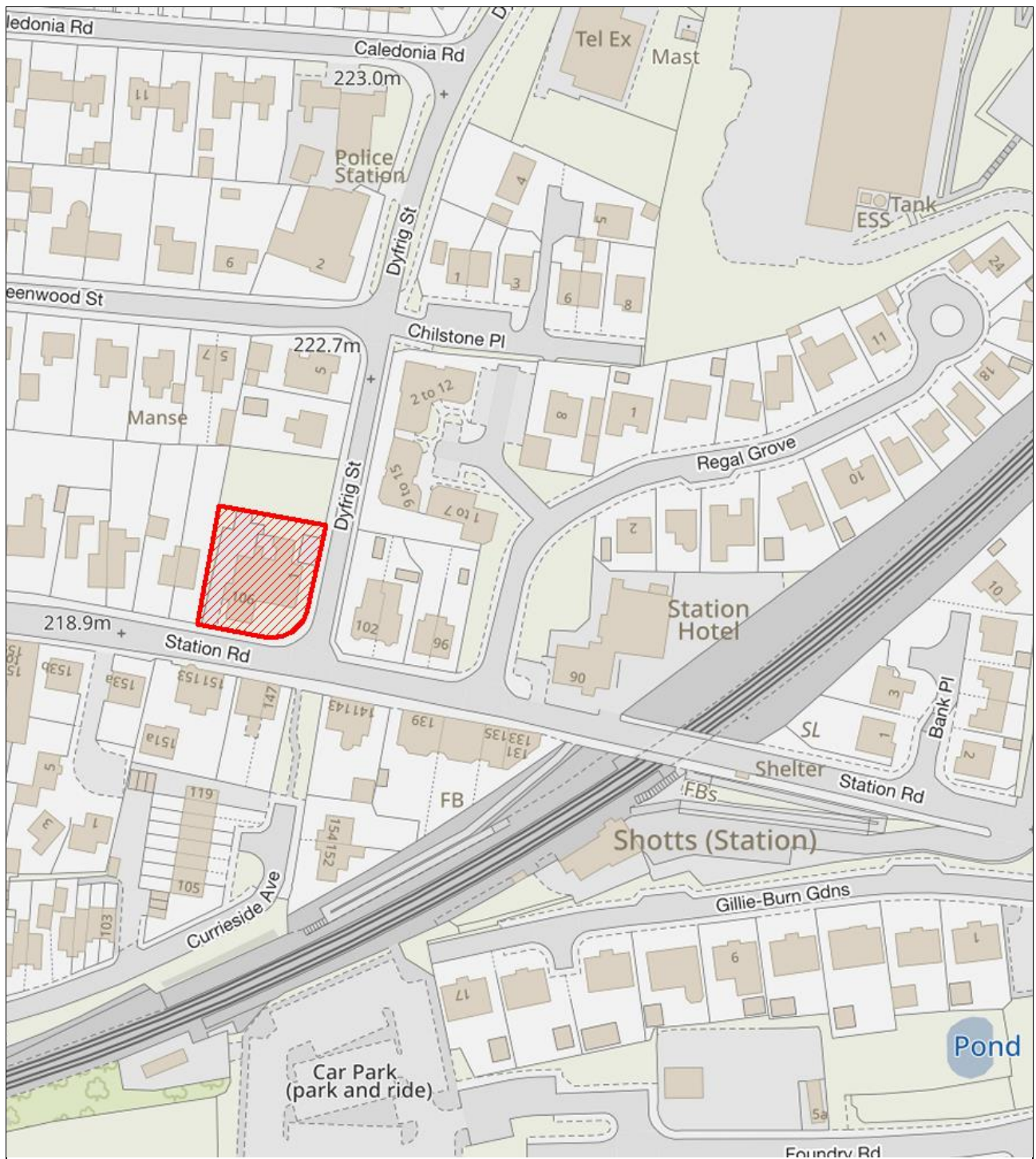
13 letter(s) of representation received.

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**Recommendation: Approve Subject to Conditions**

**Reasoned Justification:** The proposed change of use is acceptable as the site is in a suitably central and accessible location for an intensification of the residential use, and the new use should not adversely affect the residential character or the amenity of the surrounding area. As such, the proposal meets the criteria set out in the National Planning Framework 4 and the North Lanarkshire Local Development Plan 2022.





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**Planning Application: 24/00147/FUL**  
**Name (of applicant): Mr J McNeill**  
**Site Address: 106 Station Road/**  
**1 Dyfrig Street**  
**Dykehead**  
**Shotts**  
**ML7 4DJ**

**Development: Change of Use and**  
**Conversion of Two Dwellinghouses**  
**to Houses of Multiple Occupation**



### **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:- Location Plan, 23/123/PL03, 23/123/EX01-a, 23/123/EX02-a, 23/123/PL02-a, PL01 REV B and 23/123/PL03 REV E

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

2. That the total number of bedrooms shall be not more than 12.

**Reason:** To define the scope of this planning application.

3. That prior to the commencement of development, details of the proposed alterations to the boundary treatments at the Station Road frontage and along the boundary with 108 Station Road shall be submitted to and approved in writing by the Planning Authority. Such details shall include details of any retaining structures required in order to maintain the neighbouring ground levels, and shall include the provision of a timber screen fence on the side boundary to provide screening between the new parking spaces and the neighbouring garden. Thereafter the approved boundary treatments shall be installed prior to the occupation of the development and shall be retained thereafter unless otherwise agreed by the planning authority.

**Reason:** In order to allow consideration of details not yet submitted, and to maintain the privacy of the neighbouring property.

4. That prior to the commencement of development, details of the proposed pedestrian access routes within the development site shall be submitted to and approved in writing by the Planning Authority. Such routes shall ensure that all parking spaces are safely and conveniently accessible to residents of both parts of the building. Thereafter these pathways will be provided prior to the occupation of the development.

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

5. Prior to the occupation of any part of the development hereby approved the 10 off street parking spaces depicted in plan PL03-REV E shall be provided, properly levelled and drained, surfaced in a suitable material and clearly marked out, and the parking and manoeuvring spaces shall thereafter be maintained for those purposes.

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

### **Background Papers:**

#### **Consultation Responses:**

Traffic & Transportation  
Environmental Health (including Pollution Control)  
Built Environment

Date Received: 22 August 2024  
Date Received: 06 May 2024  
Date Received: 30 April 2024

#### **Contact Information:**

Any person wishing to inspect these documents should contact Ashley Cairns at  
[planningenquiry@northlan.gov.uk](mailto:planningenquiry@northlan.gov.uk)

#### **Report Date:**

24 September 2024

**REPORT**

**1. Site Description**

- 1.1 The applicant is seeking a change of use and conversion of two dwellinghouses to houses of multiple occupation, which will include two shared kitchen areas and 12 bedrooms, each with an en suite WC / shower room.
- 1.2 The application site is a vernacular building dating from circa 1900 which is in use as a pair of semi-detached dwellinghouses. The building comprises a one and a half storey house with a large single storey wing on the side which is now a separate house. These existing buildings are finished in yellow sandstone facing brickwork, slate roof and uPVC windows and doors. There are three parking spaces for one house accessed off Dyfrig Street, and a side driveway and rear parking area for the other house accessed from Station Road. The site is located on the corner of Station Road and Dyfrig Street, Shotts within an established residential area, surrounded largely by houses of similar design and age, though on the opposite (south) side of Station Road there are several small shops with flats above. At the rear of the site there is a plot of vacant land which was formerly part of the garden of the application property. That land is also owned by the applicant and has planning permission for a new two storey house (permission 22/01086/FUL).

**2. Proposed Development**

- 2.1 The application seeks full planning permission to change the use of the two dwellinghouses into two houses of multiple occupation. There would be no significant external alterations, but internally each house would be reconfigured as a series of individual bedrooms with en-suite WC/showers, plus a communal kitchen and utility room. The one-and-a-half storey house would contain eight bedrooms, whereas the single storey wing would contain four bedrooms, and the two parts of the building would continue to have separate accesses. There would be no communal living rooms or dining areas provided and it is intended that each bedroom would be separately occupied. The existing three parking spaces on Dyfrig Road would be retained, and the Station Road driveway and parking area would be enlarged to provide a further seven parking spaces with on-site turning.

**3. Applicant's Supporting Information**

- 3.1 A supporting statement has been provided containing information about the proposal. Currently the applicant lives in one of the houses and rents the other one out to workmen. The applicant has planning permission for a new house immediately behind the site and they intend to occupy it themselves, so they would be close at hand to deal with any issues and oversee the day-to-day running of the properties. It is stated that the property is not intended to operate as a hotel or for short-stay letting, but rather it is expected to be the occupants' place of residence, with each room being let for extended periods. There has been no firm decision on how the rooms will be advertised, but it is suggested that most of the referrals for accommodation will come from a local authority housing service, or that alternatively they may be made available for private rent. The applicant does not anticipate that all residents will own vehicles and notes that the property benefits from convenient access to services in the centre of Shotts as well as bus stops and the railway station very close to the site.

**4. Site History**

- 4.1 Prior to being purchased by the applicant and converted into two houses in 2014, the property was used as a council office with on-site parking.
- 4.2 As originally submitted the present application was for 15 bedrooms in total but following consultation with NLC Protective Services which highlighted concerns about some of the proposed room sizes, the applicant has reduced the total number of bedrooms to 12. Similarly, the number of parking spaces proposed has been increased from 5 to 10 following comments from the Transportation Service.

**5. Development Plan**

- 5.1 NPF4 Policy 13 (Sustainable transport) facilitates transition towards more sustainable, lower emissions travel including active travel and public transport. The application site is located close to the town centre with many local facilities within walking distance. There are regular bus services along Station Road and bus stops are nearby (one being directly in front of the site). The site is also very close to Shotts railway station. As such it is considered that the development accords with this policy.
- 5.2 NPF4 Policy 14 (Design, quality and place) encourages well designed development which results in successful places, and which meet the six qualities of good design (Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable). In this case the only notable external alterations would be the enlargement of the car parking area / driveway. Impacts on the amenity of neighbours are discussed below, and are considered to be acceptable. Technical matters are considered to be satisfactory. As such it is considered that the proposal complies with policy 14.
- 5.3 NPF4 Policy 15 (Local Living and 20-minute neighbourhoods) intends to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home or base, preferably by walking, wheeling, cycling or using public transport. As noted under policy 13 the site is readily accessible, and the proposed intensification of use is therefore compliant with policy 15.
- 5.4 NPF4 Policy 16 (Quality homes) encourages the delivery of more high quality, affordable and sustainable homes that provide choice across tenures. Development proposals which improve affordability and choice and which address identified gaps in provision will be supported. In this case the proposal will provide accommodation of a non-conventional type which would be affordable and would increase choice, so it is consistent with policy 16.

North Lanarkshire Local Development Plan 2022 (NLLDP)

- 5.5 The application site lies within the General Urban Area as designated in the NLLDP, while the opposite side of Station Road is designated as a Local Centre. NLLDP Policies PP3 and AD3 (General Urban Area) seek to maintain and improve the level of amenity within urban areas, by encouraging development that is in keeping with their residential character and by encouraging more diversity in mixed-use areas. There is no requirement for an assessment of need for residential uses, but all development is expected to satisfy policy EDQ3 by avoiding adverse impacts upon the amenity and attractiveness of the area. In this case the use of the property would remain residential so it would not affect the residential character of the area. Amenity issues are discussed below and are considered acceptable. The proposal is therefore consistent with policies PP3 and AD3.
- 5.6 NLLDP Policy EDQ3 (Quality of Development) states that development will only be permitted where high standards of site planning and sustainable design are achieved. In this case there are relatively few external changes and the main issue is considered to be the impact of the proposal upon the amenity of surrounding properties, which is discussed below, and it is concluded that impacts would be acceptable. The proposal is therefore consistent with policy EDQ3.

**6. Consultations**

- 6.1 NLC Protective Services (Environmental Health) has no objection to the proposal following alterations to the internal layout which were necessary to meet licensing standards for houses in multiple occupancy.
- 6.2 NLC Transportation Services recommend refusal of the application due to insufficient parking and a sub-optimal parking layout. The parking standard for 12 1-bedroom units is 18 spaces (1.5 per unit) for residents plus 4 visitor spaces, whereas the proposal has 10 spaces. These spaces are in two separate groups with separate accesses, rather than being a single parking court. These matters are discussed below. Transportation had also commented on turning and access issues which have since been addressed by amended plans.
- 6.3 NLC Housing indicate that they had not been aware of the proposal and that they would not use the proposed accommodation.

## 7. Representations

7.1 Following the standard neighbour notification procedures, 13 representations were received objecting to the application. Three of these objectors also submitted further representations after the consultation period had ended. The points raised by the objectors are summarised and responded to as follows:

- Increase in traffic and congestion.  
Response: Station Road is a busy street and the amount of additional traffic arising from the proposal would be negligible in the context. Some additional vehicle movements turning into and out of the driveway may arise, but the proposal would improve visibility splays and the additional turning movements should not give rise to increased safety concerns or congestion.
- Inadequate parking on site and increase in on-street parking.  
Response: Since the objections were received the applicant has revised plans to include 10 off street parking spaces (for 12 bedrooms), instead of the original 5 spaces (for 15 bedrooms). Whilst this is still significantly less than the parking standard sought by the Transportation Service (22 spaces), it is considered that the latter standard is likely to be significantly in excess of actual demand. Given the small size of the units and the likelihood that many tenants would be people referred by a housing authority it is to be expected that car ownership would be well below average, and therefore 10 spaces is considered to be sufficient to cope with likely parking needs.
- Concern that the property may be used to house people who engage in antisocial behaviour, and may impact upon the safety of vulnerable people living nearby.  
Response: The applicant has been asked to provide more information about the anticipated occupants of the property but has been unable to provide more information than stated above. There is however no indication that the property is intended specifically for persons with a history of anti-social behaviour. The planning authority cannot base its decisions on residential applications on generalised preconceptions about the type of people who might live in the development, as the behaviour of individuals is not a planning matter. The great majority of individuals living in houses in multiple occupation do not cause any problems at all, and owner-occupied single family houses are perfectly capable of giving rise to anti-social behaviour depending on the individuals who happen to occupy them. Ultimately, who occupies a dwelling unit is not something which the planning authority can control.
- No requirement for this type of accommodation as there is already one nearby.  
Response: It is assumed that this comment refers to a nearby hotel which is understood to be renting out rooms to the housing service of West Lothian Council. Even if another such facility does exist in the area this would not be a reason for refusal.
- Main entrance to property crosses a bus stance.  
Response: The location of this access would not change, although visibility splays would be improved slightly due to the removal of the front boundary wall and clearing the side landscaped area at the western end of the site frontage. The access would sometimes be briefly blocked and/or sight lines to the east would be obstructed when buses are stopped at the bus stop, but this is no different from many other situations where bus stops are located in front of houses.
- Changes to entrance and parking will damage a retaining wall between the site and a neighbouring garden.  
Response: Any necessary works to a retaining wall would be the developer's responsibility and any damage would be a private legal matter.
- Proposal would reduce surrounding house prices.  
Response: House prices are not a material planning consideration and speculation about them cannot be taken into account when assessing a planning application.
- Impact on local amenities and services.  
Response: This is not a planning matter, and these considerations are for the relevant authorities who are responsible for providing these services in the area. In addition, the development is of a small scale and there is therefore no reason to assume that there would be a significant impact on local services.

## **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 policies of NPF4 and the North Lanarkshire Local Development Plan, the relevant policies of which are discussed in section 5 above.
- 8.2 The application site is a pair of houses which have relatively recently been converted from an office, situated within a mixed but predominantly residential area near Shotts Town Centre and opposite the Station Road Local Centre. It is close to local facilities and public transport, and in principle is therefore an appropriate location for higher density residential accommodation provided this can be accommodated without adversely affecting local amenity. The proposal would re-use an existing vernacular building and would involve minimal physical alterations to its exterior. It would provide additional affordable housing and would increase the range of housing types. In principle, therefore, the proposal is consistent with NPF4 policies 13, 15 and 16, and with NLLDP policies PP3 and AD3.
- 8.3 The main issues for this application are therefore whether the nature of the proposed use or the details of the proposed parking / access changes would detract from the amenity of the area or give rise to safety or other technical concerns, and thus whether or not the proposal would accord with NPF4 policy 14 and NLLDP policy EDQ3.
- 8.4 As noted above, the application is subject to 13 objections from local residents, and it may be surmised that the main or underlying concern is that as houses in multiple occupancy (HMOs) the property might be occupied by persons with an increased likelihood of anti-social behaviour. Such concerns are understandable as the applicant has not been able to provide precise details of who would occupy the property, but ultimately that information would not be directly relevant to the consideration of the planning application. Whilst North Lanarkshire Council Housing Service has indicated that it is unlikely to use the proposed accommodation, the applicant has indicated that they would approach neighbouring local authorities (although housing authorities are only permitted to use such 'outplacements' in limited circumstances). However, the council cannot determine planning applications based upon generalised preconceptions about the type of person who might occupy the development, as for planning purposes one person is treated the same as another. If individuals do engage in anti-social behaviour this would be a matter for the police.
- The applicant has also indicated their intention to occupy the new house that is to be built adjacent to the site, so they would be directly affected by any issues themselves and would have some control over them as landlord, although this is not something that the council would be able to enforce through a condition.
- 8.5 It is accepted that a HMO could give rise to more coming and going of people than single family housing, which increases the potential for disturbance to immediate neighbours. The turnover of tenants would also probably be higher than a single house, so neighbours may see strangers more frequently. However, the coming and going would still be of a domestic nature and there is no reason to assume that it would be unduly noisy. Both parts of the building would continue to have their main doors fronting the street, so people using the rear doors would likely be limited to those accessing the car park. Even if there is an increase in the amount of traffic using the driveway this would be unlikely to cause significant disturbance relative to the level of traffic passing along Station Road. Overall, it is considered that the impact of the proposed use is not likely to give rise to a significant loss of amenity to the surrounding properties.
- 8.6 Transportation Services have noted that the 10 parking spaces proposed are significantly less than the 22 spaces required by the council's parking standards. However, that standard is based on one-bedroom owner-occupied flats, not bedrooms within a house in multiple occupancy. It is reasonable to assume that car ownership levels amongst the tenants will be significantly lower than this, and that not all residents are likely to own cars. That being the case, the number of car parking spaces is considered to be acceptable. The parking layout is not optimal as the spaces would be divided between two separate parking areas accessed from different streets, but that is merely perpetuating the existing parking arrangements at the site and it is not likely to give rise to any significant problems. If necessary, residents with cars could be given a designated parking space.
- 8.7 Additionally, Transportation Services pointed out that the minimum visibility splays at both vehicular access points should be 2.5 meters by 60 meters in both directions at Station Road and 2.5 meters by

35 meters in both directions at Dyfrig Street. This is not achievable within the applicant's control, and few if any of the existing driveways on Station Road achieve this standard due to garden walls and on-street parking. However, by removing the stone boundary wall and landscaping between the existing driveway and 108 Station Road, the sight lines would be improved and it is considered that this is an appropriate compromise.

- 8.8 The proposed external alterations are limited to changes to the driveway and access. This would include removal of a short section of stone front boundary wall of a strip of landscaping along the side boundary adjacent to 108 Station Road. The frontage treatment would require to be made good, which could be addressed by a condition. Removal of the landscaping strip would remove some of the visual barrier between the application site and the neighbouring house, so it would be appropriate to provide an appropriate screen fence to replace this, and that could also be addressed by a condition. This condition could also require that details of any retaining structure that may be needed on this boundary are also provided. Whilst loss of the stone wall and landscaping area are unfortunate, the impact upon the appearance of the site would be relatively minor.

## **9. Conclusions**

- 9.1 In conclusion, the proposed houses in multiple occupation can be accommodated within the property without adversely affecting the residential amenity of the neighbouring properties or residential character of the surrounding area, as the property will remain in residential use. The proposal therefore complies with policies NPF4 policy 14 (Design, quality and place) and 16 (Quality homes) as well as policies PP3 (General Urban Area) and EDQ3 (Quality of Development) in the 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:**

24/00156/FUL

**Proposed Development:**

Erection of 100 New Dwellings (mix of two storey houses, bungalows, cottage flats and flats), Associated Infrastructure, and Landscaping.

**Site Address:**

Site At Dunottar Avenue  
Shawhead  
Coatbridge

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**Date Registered:**

22nd February 2024

**Applicant:**

North Lanarkshire Council  
Enterprise And Communities New Supply  
Civic Centre  
Windmillhill Street  
Motherwell  
ML1 1AB

**Agent:**

Coltart Earley Architecture  
559 Sauchiehall Street  
Glasgow  
G3 7PQ

**Application Level:**

Major Application

**Contrary to Development Plan:**

No

**Ward:**

11 Coatbridge South  
Tracy Carragher, Geraldine Woods, Fergus  
MacGregor and Andrew Bustard.

**Representations:**

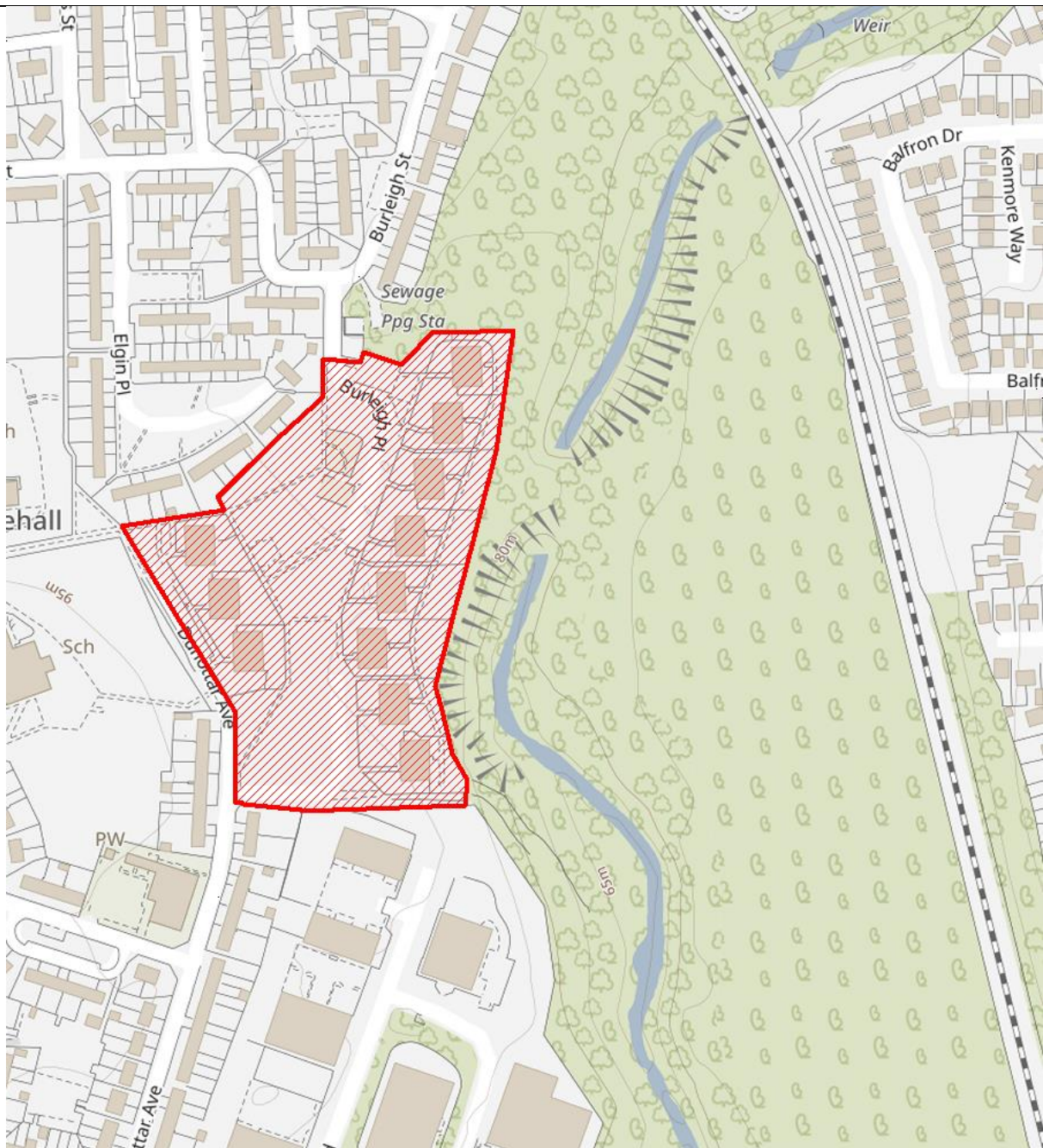
No letters of representation received.

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

**Reasoned Justification:** The proposed residential development is in accordance with the relevant policies in the North Lanarkshire Local Development Plan. Furthermore, it is considered that the development will enhance the character and amenity of the surrounding area. The proposal also accords with the relevant policies within NPF4.





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**Planning Application: 24/00156/FUL**  
**Name (of applicant): North Lanarkshire Council**  
**Site Address: Site At Dunottar Avenue Shawhead Coatbridge**

**Development: Erection of 100 New Dwellings (mix of two storey houses, bungalows, cottage flats and flats), Associated Infrastructure, and Landscaping.**



### **Proposed Conditions:-**

1. That the development hereby permitted shall be carried out strictly in accordance with the approved details submitted as part of the application and no change to those details shall be made without prior written approval of the Planning Authority. For the avoidance of doubt drawings approved include: L(90)100 Rev G, L(90)001, J5461-034, L(20)001, L(20)002, and L(21)001-005 (Inclusive).

**Reason:** To clarify the drawings 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 confirmed, 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:** To enable the Planning Authority to consider these aspects in detail.

3. That before the dwellings hereby permitted are occupied, 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 satisfactory in-curtilage parking provision in the interests of road safety.

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.

**Reason:** To enable the Planning Authority to consider these aspects in detail in the interest of the amenity of the site and adjacent properties.

5. That BEFORE any works start on site, the applicant must confirm in writing to the Planning Authority that the foul drainage can be connected to the public sewer in accordance with the requirements of Scottish Water. The surface water must be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

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

6. That BEFORE the development hereby permitted starts, a scheme of landscaping for all landscaped areas and all boundary treatments 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, 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 the landscape scheme shall include native species and include tree and hedgerow planting along the western and southern boundaries.
- (c) A scheme of measures to be undertaken within the site to enhance biodiversity
- (d) A timetable for the completion of these works contemporaneously with the development.

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

7. That unless otherwise agreed in writing by the Planning Authority, before the development hereby permitted is brought into use, all planting, seeding, biodiversity measures, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of condition 6 above, shall be completed; and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased within two years of completion of the development, shall be replaced within the following year with others of a similar size and species.

**Reason:** In the interests of the environmental amenity of the area.

8. 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.
- (b) any communal fences and walls.
- (c) the MUGA and LEAP.

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

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

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

10. That **before the development starts** a comprehensive site investigation requires to be submitted to the satisfaction of the Local Authority. The investigation must be carried out in accordance with the British Standard Code of Practice BS 10175: 2011 "The Investigation of Potentially Contaminated Sites". The report must include a site-specific risk assessment of all relevant pollution linkages, be carried out in accordance with the Environment Agency publication, Model Procedures for the Management of Land Contamination **CLR11**, and be submitted in both hard copy and electronic format.

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

11. That any remediation works identified by the site investigation required in terms of Condition 10; shall be carried out to the satisfaction of the Planning Authority. 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.

12. 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 drainage arrangements.

13. That before the development hereby permitted starts, unless otherwise agreed in writing with the Planning Authority; full details of the proposed surface water drainage scheme shall be submitted to the said Authority and shall be certified by a chartered civil engineer as complying with the most recent SEPA SUDS guidance.

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

14. That the SUDS compliant surface water drainage scheme approved in terms of Condition 13 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.

15. That no dwelling or flatted dwelling hereby permitted shall be occupied until the street and footway arrangements have been constructed to basecourse standard and the street and footpath shall be maintained thereafter to the satisfaction of the Planning Authority during the construction phase.

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

16. That unless otherwise agreed by the Planning Authority, the multi-use games area shall incorporate the noise mitigation measures recommended in WSP memo UK0038365.0624 DDN AC 01 dated 20 September 2024 and/or indicated on the site layout plan REF L(90)100 Rev G.

**Reason:** In the interests of residential amenity regarding potential noise produced by the use of the MUGA.

17. That, unless otherwise agreed in writing, prior to the occupation of the dwellings hereby approved, a noise impact assessment shall be undertaken, to assess the potential impact of noise from any fixed plant associated with the development. The assessment shall demonstrate that noise from the plant will not exceed a 'low impact' when assessed in accordance with BS 4142:2014+A1:2019, including any noise mitigation if necessary. Prior to the occupation of the dwellings hereby approved, the plant and any noise mitigation measures shall be installed in accordance with the recommendations of the noise impact assessment and maintained in perpetuity.

**Reason:** In the interests of residential amenity to protect the amenity of residents from noise produced by the use of the proposed fixed plant.

18. That except as may otherwise be agreed in writing by the Planning Authority and notwithstanding the requirements specified in the Traffic & Transportation comments dated 13.08.2024, the following requirements of the roads authority will be complied with:

- a) Visibility splays of 4.5m x 60m shall be formed at the access point from Dunottar Avenue as shown on the plan drawing L(90)100 Rev F. Everything above 1.05m shall be removed from the sight lines and thereafter nothing exceeding 1.05m shall be planted, placed, erected or allowed to grow within the sight lines area.
- b) The minimum corner radii of the site access should be 7.5m.

**Reason:** To ensure a suitable access is provided for the development.

19. That prior to any works commencing on site, with the exception of ground enabling works which includes land profiling a Construction Environmental Method Statement shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall cover:

- o Details of how the development will be phased
- o Details of the location of site compound and management facilities
- o Details of construction access, parking and manoeuvring areas
- o Submission of a Dust Action Plan

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

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

### **Background Papers:**

### **Consultation Responses:**

Environmental Health (including Pollution Control) dated 14<sup>th</sup> March 2024 and 2<sup>nd</sup> October 2024.

Traffic & Transportation dated 13<sup>th</sup> August 2024.

Education dated 17<sup>th</sup> August 2024.

Scottish Environment Protection Agency dated 22<sup>nd</sup> February 2024.

Scottish Water dated 7<sup>th</sup> March 2024.

Scottish Gas Network dated 22<sup>nd</sup> March 2024.

### **Contact Information:**

Case officer Paul Williams at [Planningenquiry@northlan.gov.uk](mailto:Planningenquiry@northlan.gov.uk) or 01236 632487

**Report Date:** 4<sup>th</sup> October 2024

**REPORT**

**1. Site Description**

- 1.1 The site is located in the established residential area of Shawhead on the South-Eastern side of Coatbridge. The site is bound to the east by North Calder Water Glen which provides a natural green buffer and beyond which lies the Glasgow-Coatbridge railway line. The site is bound to the north by post war Council built housing and to the west by the grounds of Shawhead Primary School and more Council built housing and to the south by a landscaped buffer beyond which lies the Centrum Business Park. The site is of an irregular shape rather like a clenched fist and covers an area of approximately 3.81 Hectares.
- 1.2 The application site was previously occupied by Council housing in the form of 11 pedestal style 4 storey blocks, each containing 16 flatted dwellings. The flats are currently being demolished to make way for the proposed new housing. Prior to this the site functioned as part of the railway network, containing a junction and railway yard. Vehicular access to the existing site is taken from Dunottar Avenue from the south and Burleigh Place from the north. The pre-demolition arrangement of roads was such that there was no interconnection between the North vehicular access and the south vehicular access, meaning it was not possible to drive North/South or vice-versa between the surrounding neighbourhoods via the site. There is an existing pedestrian connection to the west, linking the site to Berwick Street and providing a convenient pedestrian route from surrounding streets to St Bernard's Primary School, Shawhead Primary School, a row of shops and Shawhead Community Centre located on Berwick Street. To the east the boundary is defined by an established tree belt on the opposite side of a boundary fence. The ground levels fall away sharply to the east out with the site towards north Calder Water which is located a short distance further to the east.

**2. Proposed Development**

- 2.1 The proposed development is for 100 residential units comprising of 43 traditional 2-storey semi-detached and terraced dwellings, 24 traditional 2-storey cottage flats, 3 bungalows, 4 wheelchair dwellings, 2 wheelchair flats and 24 (4-storey) flats. All house types would be finished with traditional dual-pitched roofs with a mixture of brick and render external wall finishes.
- 2.2 The proposed site layout encompasses a vehicular access to the south from Dunottar Avenue and a vehicular access to the north from Burleigh Place with a central pedestrian footpath linking both access roads providing a pedestrian north-south access through the site. A centrally located MUGA (930 square metres) and LEAP (1112 square metres) are also proposed. The traditional 2-storey and bungalow elements of the development are generally accommodated in east-west orientated terraces and associated parking courtyards. The proposed 4-storey flats would front onto Dunottar Avenue on the eastern boundary of the site taking advantage of site topography. Proposed parking provision is 1.5 spaces per flat, 2 spaces per 2 bed dwelling, 3 spaces per 3 and 4 bed dwellings with visitor parking at 0.3 spaces per dwelling thus providing 33 visitor parking spaces.

**3. Applicant's Supporting Information**

- 3.1 The applicant has provided a Design and Access Statement, a Pre-Demolition Noise Impact Assessment (NIA), a Geo-Environmental Preliminary Risk Assessment, a phase 2 Contaminated Land and Geotechnical Assessment and a Street Engineering Review. As a result of consultation feedback from NLC Protective Services, the applicant has submitted an addendum to the original NIA to cover post demolition conditions as well as other aspects.

**4. Site History**

- 4.1 There is no recent planning history for this site other than the proposal of application notice that is the precursor to this application:
- 23/00932/PAN Residential Development including, Roads Infrastructure and Landscaping submitted in September 2023

## **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 (NLLDP). 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 (NLLDP) 2022

- PROM LOC3 only in as much as this is an Identified Housing Development Site
- General Urban Area Policies - PP3 Purpose of Place and AD3 Amount of Development
- Environmental Development Qualities (EDQ1-3)

The site is an allocated and identified Housing Development Site (NLMK1297) and lies within the General Urban Area where Purpose of Place Policy PP 3 applies. The aim of the Plan within these areas is to maintain and improve the level of amenity appropriate for the local context and encourage diversity in more mixed-use areas. This policy requires such proposals to be assessed against the criteria of AD 3 (Amount of Development), 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 1 - Tackling the Climate and Nature Crisis
- Policy 2 – Climate Mitigation
- Policy 3 – Biodiversity
- Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings,
- Policy 14 - Design, Quality and Place
- Policy 16 - Quality Homes.
- Policy 13 - Sustainable Transport

## **6. Consultations**

- 6.1 NLC Traffic and Transportation has expressed no objections to the revised layout F subject to certain specifications including visibility splays of 4.5m x 60m shall be formed at the access point from Dunottar Avenue as shown on the plan drawing L(90)100 Rev F. Also, that everything above 1.05m shall be removed from the sight lines and thereafter nothing exceeding 1.05m shall be planted, placed, erected or allowed to grow within the sight lines area and the minimum corner radii of the site access should be 7.5m.
- 6.2 NLC Environmental Health (including Pollution Control) initially expressed concerns regarding the originally submitted Noise Impact Assessment with regard noise generated by air source heat pumps, the MUGA and commercial premises to the south. An addendum to the Noise Impact Assessment was submitted and it concluded that there was no significant issue regarding noise from the commercial premises to the south. Furthermore, the addendum concluded that the matters relating to the air source heat pumps and the MUGA could be addressed by the imposition of appropriate planning conditions (see conditions 16 and 17). NLC Environmental Health (including Pollution Control) has now confirmed their agreement with the findings of the addendum.
- 6.3 NLC Education has indicated that it anticipates there is sufficient capacity within the local area to deal with educational needs as a result of the proposed development.



- 6.4 The Scottish Environment Protection Agency has stated that it appears the application falls below the thresholds for which SEPA provide site specific advice and to refer to the standing advice. Scottish Water has expressed no objection to the proposal and that there is currently capacity in terms of water supply but in terms of waste water treatment, they advise that the applicant should submit a Pre-Development Enquiry form directly to them via their customer portal. Scottish Gas Network expressed no objection.

7. **Representations**

- 7.1 No representations were received as a result of neighbour notification or as a result of the newspaper advertisement published in the Airdrie and Coatbridge Advertiser on the 6<sup>th</sup> of March 2024.

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. Accordingly, the proposed development requires to be assessed against the provisions and policies of both NPF4 adopted Feb 2023 and The North Lanarkshire Local Development Plan adopted 6 July 2022.

8.2 **National Planning Framework 4 (NPF4)**

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, Policy 9 - Brownfield, Vacant 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 in section 8.8 onwards.

- 8.3 **Policy 1** - Tackling the Climate and Nature Crisis is met by the proposal as it replaces existing poor quality energy inefficient flats with new low-carbon housing and creates new green and biodiverse spaces.
- 8.4 **Policy 2** – Climate Mitigation is also met with the whole-life carbon strategy highlighting the benefits of the proposed development compared to the existing housing. This is contributed to by its accessible location, cycle parking, EV charging and low-energy heating strategy. The timber frame construction above first floor level will ensure a high degree of carbon sequestration within the main building structure.
- 8.5 **Policy 3** – the enhancement of Biodiversity within the site has been covered in the planning conditions in relation to the landscape scheme for the site. It should be possible to include measures like diverse planting for birds, bees and other insects. Bee hotels and bird and bat boxes could also be installed and where possible and native species will be planted
- 8.6 **Policy 9** supports development that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings. As a recently or near demolished previous flattened housing site within the General urban area the proposal is considered to comply with this policy.
- 8.7 **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 and is of a good design and without detriment to the surrounding area, it is therefore considered to comply with this policy.
- 8.8 **Policy 16** supports developments for new homes on land allocated for housing in the LDP. The application site is within the General urban area and the proposed development of 100 units for social rent meets the terms of this policy as it helps the Council's ambition to reach its target for affordable housing within the area. It will not have a detrimental impact on the amenity of the area and is compliant with the general principles of this policy. The proposal includes improved play facilities (a MUGA and a LEAP) Affordable housing for rent that meets an identified need and will be designed to Housing for Varying Needs and Secure by Design Gold standards policy 16 (c) and (e) are fully complied with.
- 8.9 With regards to **Policy 13** This proposed development may be considered acceptable in sustainable travel terms in meeting the policy criteria as the site is well served by the existing road and footpath

network and there are existing bus stops located on Neidpath Avenue, Dunottar Avenue and Burleigh Street. There are local shops, take away food premises, a Post Office and Shawhead Community Centre on Berwick Street, all within easy walking distance of the site. Whifflet Train Station is located approximately 1km to the North, Coatbridge Community Centre is located approximately 1km to the West and Whifflet Public Park is located approximately 400 metres to the North of the site. The wider area is well served with amenities and access to the greater transport network is readily available.

- 8.10 **North Lanarkshire Local Development Plan (NLLDP)** designates the site under Purpose of Place 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.
- 8.11 The above NPF 4 policies are embedded in the adopted NLLDP and, in particular, Policies PP 3, AD 3. EDQ 1 and EDQ 3 on design are discussed below. The development is therefore considered to be consistent with both NPF 4 and NLLDP Place policy.
- 8.12 **Policy PP3** 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 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.
- 8.10 It is considered that the proposed development is suitable for this location as it is utilising a site that has previously been occupied by a residential development until relatively recently.
- 8.13 **EDQ 3 POLICY Quality of Development**

This policy advises that 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.

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

The applicant has set out in their design and access statement on how this is to be achieved. The supporting information demonstrates that the proposed layout will not result in a significant impact in terms of daylight. The introduction of landscaping with the new development as well as access through the site will increase sense of place within the wider urban area. It is envisioned by the applicant that these properties can be used throughout a full life cycle with wheelchair adaptability possible should the need arise.

**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 able to provide a variety of means to limit CO2 emissions in line with the current building regulations:

The applicants supporting information confirmed that the proposals will be designed with a low carbon, fabric first approach, with the use of renewable energy and not to propose the use of gas as an energy source. The proposed development will comply with the following targets:

- Section 7 (Sustainability) of the Scottish Building Standards - All dwellings require to meet the standards set out in Sections 1-6 of the Scottish Building Standards. Detailed demonstration of meeting these targets shall be submitted within the Building Warrant application.
- Aside from these measures, a variety of other features are incorporated to improve energy efficiency and to promote longer term sustainability such as;
- Maximising opportunities for solar gain through orientation and site exposure
- A combination of Ground Source Heat Pumps and Exhaust Air Heat Pump is proposed to generate the hot water for space heating and general use.



- High levels of sound insulation, both within and between dwellings.
- Design and construction for at least a 60-year lifespan.
- Design to maximise accessibility, flexibility and adaptation, with all dwellings Housing for Varying Needs compliant.
- Specification of materials with low embodied energy and toxicity, using recycled/recyclable materials where possible.
- Specification of local or Scottish products and materials where possible to reduce transport energy demands.

**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.**

NLC Protective services provide comment outlined above and a planning condition is recommended covering noise mitigation measures to be undertaken in the development

**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.

Treatment will be provided via SUDs and appropriate suspensive planning conditions can be applied in this regard. The new proposed foul water drainage from the new development is expected to discharge into the existing Scottish Water foul water sewer present within the site. As such, a Pre-Development Enquiry will be submitted to Scottish Water to confirm the existing system will be suitable to accept the demands of the development.

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 negligible level of flooding risk. 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 any future minor potential issues.

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 made for the development and maintenance of landscaped areas and, and for linking to and enhancing open spaces and green networks.**

This can be realised through the application of the relevant suspensive planning conditions.

It is considered that the proposed buildings have been 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 and 3. It is also considered that the proposal by virtue of its design and location will not result in significant loss of residential amenity and accordingly the proposal is consistent with Policy EDQ3.

#### 8.14 **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. In this case no Education contributions are required and play provision will be in house as this is a council lead proposed development.

##### Other material considerations

There are no material considerations that would merit refusal of this application.

## **9. Conclusions**

- 9.1 The proposed development is acceptable in terms of its impact upon the site and the surrounding residential area. The development would utilise the existing infrastructure, facilities, road network and provides pedestrian access throughout the site. In addition, it is considered that the proposed development would not result in an unacceptable impact on environmental assets. The proposed development and associated layout are of an acceptable design and comply with the principles of Designing Streets and the relevant policies in the North Lanarkshire Local Development Plan in that the development results in a significant enhancement of residential amenity and road and pedestrian safety. The proposed redevelopment of the site does not unduly impact on the surrounding area and coupled with a scheme of landscaping would contribute to a positive visual impact on the wider area. The application has been satisfactorily progressed to the position where outstanding and final detail can be confirmed via planning conditions. The proposed development meets the criteria set out in NPF4 National Planning Framework and the development policies contained within the North Lanarkshire Local Plan. There are no material considerations that would merit refusal of this application. Accordingly, it is recommended that planning permission be granted subject to conditions.

**Application No:**

24/00242/MS

**Proposed Development:**

Erection of 30 Dwellings with Associated Roads, Parking, Drainage, Open Space and Landscaping (Approval of Matters Specified in Conditions of 19/00563/PPP)

**Site Address:**

Land To The West Of  
Potassels Road  
Muirhead

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**Date Registered:**

27th March 2024

**Applicant:**

Ambassador Partnership Homes Ltd  
The Ink Building  
24 Douglas Street  
Glasgow  
G2 7NQ

**Agent:**

Stantec  
Mr Colin Lavety  
Lomond House  
9 George Square  
5th Floor  
Glasgow  
G2 1DY

**Application Level:**

Local Application

**Contrary to Development Plan:**

No

**Ward:**

05 Steps, Chryston And Muirhead  
John McLaren, Josh Cairns, Claire Louise  
Williams,

**Representations:**

12 letter(s) of representation received.

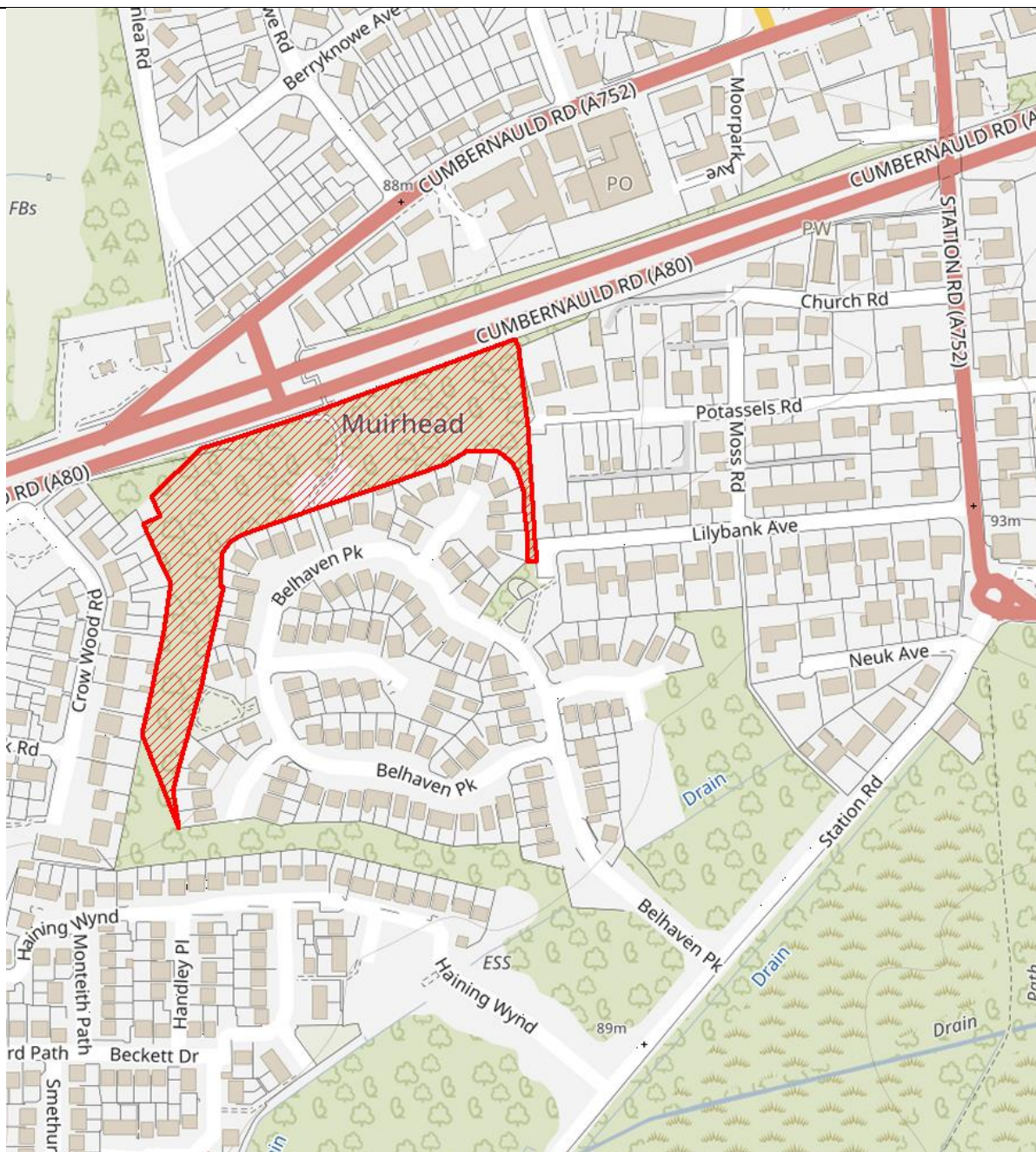
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**Recommendation:****Approve Subject to Conditions****Reasoned Justification:**

The proposed residential development of 30 dwellings is considered to be in accordance with the relevant policies contained in the North Lanarkshire Local Development Plan 2022, in addition the site benefits from having Planning Permission in Principle.

**Note to Committee:**

Should the committee be minded grant planning permission, no permission should be issued until a Legal Agreement in terms of Section 75 or Section 69 of the Town and Country Planning (Scotland) Act 1997 has been finalised, to ensure deliver of appropriate financial contributions for Affordable Housing and off-site Play facilities.



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**Planning Application: 24/00242/MSC**  
**Name (of applicant): Ambassador Partnership Homes Ltd**  
**Site Address: Land To The West Of Potassels Road Muirhead**

**Development: Erection of 30 Dwellings with Associated Roads, Parking, Drainage, Open Space and Landscaping (Approval of Matters Specified in Conditions of 19/00563/PPP)**



### **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:-

MHR(10) 01 REV A, MHR(10)10 REV M, MHR(10) 60 REV B

#### House Types

(TAW) 03, (TAW) 04, (TAW) 06, AL (3B) 020, AL (3B) 021, HT (01) 10, HT (01) 11, HT (02) 20 HT (02) 21, HT (03) 30, HT (03) 31, HT (04) 40, HT (04) 41,

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

2. That before development starts, full details of the facing materials to be used on all external walls and roofs shall be submitted to and approved in writing by the Planning Authority.

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

3. That no dwellinghouse hereby permitted shall be occupied until the road and footpaths have been constructed to basecourse standard and the road and footpath shall be maintained thereafter to the satisfaction of the Planning Authority during the construction phase. This includes for the avoidance of doubt, the widening of the existing footway to the front of the site to 3.5 metres.

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

4. 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.

5. 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 thereafter implemented, prior to and dwelling being occupied. This for the avoidance of doubt includes details being provided and approved for the Acoustic Fences required at the site as part of Condition 6 below.

**Reason:** To ensure the provision of adequate boundary treatment.

6. That all mitigation measures identified in the Envirocentre Report dated March 2024 (Document No. 13872, Project No. 179108) shall be implemented before any dwellings that are affected by noise are occupied, this includes all dwellings for which assessment shows that suitable acoustic glazing and acoustic venting is required to allow windows to be closed to achieve an acceptable level while providing adequate ventilation as per the aforementioned Noise Impact Assessment and the proposed Acoustic Fences detailed in the Report. Thereafter, a validation report (undertaken by a suitably qualified acoustic engineer) shall be submitted to the Planning Authority which details that all mitigation works have been completed in accordance with the approved details, to the satisfaction of the Planning Authority.

**Reason:** To ensure that the affected dwellings have suitable noise mitigation measures in place.

7. That before the development starts, unless otherwise agreed in writing with the Planning Authority, a comprehensive site investigation (carried out in accordance with British Standard Code of Practice BS 10175: 2001 "The Investigation of Potentially Contaminated Sites") shall be submitted to and approved in writing by the Planning Authority; and any approved mitigation measures shall be associated with an implementation timetable and shall be completed and verification provided by the Developer to the satisfaction of the Planning Authority.

**Reason:** In the interests of public health, safety and wellbeing.

8. That any remediation identified by the site investigation agreed in terms of Condition 7 above shall be carried out in accordance with an implementation timetable. This timetable shall be agreed in writing with the Planning Authority before any works start on site. No individual dwelling shall be occupied until

a certificate (signed by a suitably qualified Engineer) has been submitted to the Planning Authority confirming that any remediation works have been carried in accordance with the agreed Remediation Strategy.

**Reason:** To ensure that any remediation identified has been implemented in the interests of the amenity and wellbeing of future residents.

9. That no development whatsoever shall take place at plot numbers 28, 29 and 30 until such times as the mine shaft has been located beyond doubt to the Coal Authority's satisfaction.

**Reason:** To ensure that the exact position of the historic mine shaft has been determined.

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development and shall be submitted to the Local Planning Authority for approval in writing following consultation with The Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** To ensure that coal mining legacy issues have been adequately addressed.

11. 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.

12. That the surface water drainage scheme approved under the terms of Condition 11 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.

13. 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.

14. 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.

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

16. That no trees within the application site shall be lopped, topped or felled and no shrubs or hedges shall be removed from the application site, without the prior approval in writing of the Planning Authority.

**Reason:** In the interests of the conservation value of the site and the visual amenity of the site and the adjacent residents.

17. That before the occupation of any dwellinghouses, 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;
- (b) any communal fences and walls, including the Acoustic Fences;
- (c) all other communal areas.

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

18. That before completion of the development hereby permitted, the management and maintenance scheme approved under the terms of Condition 17 shall be in operation.

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

19. The following habitat enhancements should be incorporated within the site during the first available planting season following the last of the dwellinghouses hereby permitted being occupied, to the satisfaction of the Planning Authority, unless otherwise agreed in writing:-

- Retain connectivity along the western edge by planting hedge/shrub and trees to connect habitats north and south and create a wooded zone in the southern half of the west leg.
- All planting should prefer native species. Where non-natives are used for landscape purposes these should be considered for their nectar potential. The site is within the 13km critical distance zone of Cumbernauld Airport, and planting should therefore avoid berry or nut bearing species in order to reduce the risk of flocking birds which can be an aerodrome hazard.
- Where possible, use species rich and wildflower grassland mixes throughout, cutting for meadow through the SUDS basin, and along the east boundary, west road end and along Cumbernauld Road.
- While no evidence of hedgehog was recorded, consider providing hedgehog gaps in any garden or boundary edge fencing to allow movement of this species through the site and to adjacent areas. A gap of 13x13cm at ground level is sufficient.
- To reduce impacts on wildlife using any retained part of the western woodland strip during the construction phase, it would useful to apply a suitable visual and sound buffer between the development zone and that area.
- While the site is subject to light spill from adjacent residential properties and Cumbernauld Road, lighting should nonetheless be directed into the site at all times during construction and operation, and lighting should be selected for as minimal spill and intensity as possible. Refer to Bats and Artificial Lighting in the UK, Bats and the Built Environment Series, Guidance Note 08/18 (Bat Conservation Trust/Institute of Lighting Professionals)<sup>1</sup>. Bat friendly lighting also works for birds.

**Reason:** In the interests of biodiversity and to ensure adequate compensation for the loss of vegetation on the site.

20. Should no development start within one year from the date of the submitted updated Ecology Report (June 2024), an updated protected species survey shall be carried out and the details of the findings of the surveys, including any mitigation measures, shall be submitted to and approved in writing by the



Planning Authority. For the avoidance of doubt, mitigation measures shall be implemented in accordance with a timescale to be agreed with the Planning Authority.

**Reason:** In the interests of the protection of natural habitats and protected species.

21. That before development starts, full details of the proposed Signalised Traffic Light Junction shall be submitted to and approved by the Planning Authority and thereafter implemented prior to the occupation of the first dwellinghouse hereby approved or otherwise as agreed in writing, to the satisfaction of the Council as Planning and Roads Authority.

**Reason:** To ensure the provision of an adequate signalised junction to serve the site.

### **Background Papers:**

#### **Consultation Responses:**

Letter from Scottish Water dated 8.4.24  
Email from Traffic & Transportation dated 16.8.24 and 3.9.24  
Emails from NLC Greenspace dated 28.5.24 and 12.9.24  
Email from Assistant Community Partnership Manager dated 28.5.24, 12.9.24 and 26.9.24  
Emails from Environmental Health (including Pollution Control) dated 4.6.24, 9.8.24 and 27.9.24  
Email from The Coal Authority dated 2.8.24  
Email from NLC Affordable Housing Consultations dated 8.8.24

#### **Contact Information:**

Case officer Jim Lennon at [Planningenquiry@northlan.gov.uk](mailto:Planningenquiry@northlan.gov.uk). or 01236 632487

**Report Date:** 4<sup>th</sup> October 2024



**REPORT**

**1. Site Description**

- 1.1 The proposed development site is approximately 1.85ha in area and located on the western approaches to Muirhead and Chryston. The A80 (Cumbernauld Road), forms the northern site boundary, the housing estate of Belhaven Park is immediately to the south with residential areas also immediately east at Potassels Road/Lilybank Avenue and west at Crow Wood Road. The site is generally rectangular with a 250m frontage to the A80 and a depth of approximately 60m. An additional arm of land at the west protrudes southwards for approximately a further 150m. The site is bisected by a well-surfaced tarmacadam footpath located between two previously created 3-4m high soil bunds which stretch the length of the site. The footpath leads to a signalised pedestrian crossing of the A80 which connects to Chryston.
- 1.2 The site was previously landscaped with a mix of trees and shrubs on top of a soil bund created by a planning condition as a landscape barrier to screen the Belhaven Park estate from A80 at the initiation of that housing development in the late 1990's, however this cover was largely cleared from the site in September 2017 several years prior to submission of the current planning application. Some tree and shrub cover has naturally regenerated since the previous tree clearance works.

**2. Proposed Development**

- 2.1 The applicant proposes to construct 30 two storey, 3 and 4 bed dwellings consisting of 23 terraced units, 4 semi-detached and 4 detached dwellings. The units are of traditional build, finished in mainly facing brick, a limited few with render and all with concrete roof tiles. Access to the site is directly off Cumbernauld Road which thereon leads into two parking courts and there is a small element of in-curtilage parking.
- 2.2 Landscaping is proposed around the edges of the site as well as being incorporated within the developable area within the site. Below ground surface water attenuation is also proposed for the site as well as acoustic fences which range between 1.8m and 2.6m to mitigate the residential properties against noise from Cumbernauld Road (A80).

**3. Applicant's Supporting Information**

- 3.1 The applicant has submitted additional supporting information including a Supporting Planning Statement, Updated Ecology Report, Noise Impact Assessment, Transport Assessment, Site Investigation and Drainage Strategy. Several of these reports have either been updated or additional information been submitted following requests from consultees i.e. NLC Greenspace Development and NLC Roads and Transportation.

**4. Site History**

- 4.1 The site area subject to this application previously formed part of an earlier planning application site for residential development granted planning permission in 1997 (Ref: planning permission N/97/00208/FUL). As a condition of the 1997 planning permission the site forming the current planning application was to be re-contoured with earthen bunds and landscaped to form an amenity feature and buffer between the residential development granted at that time and the A80 trunk road. Traffic using the A80 has subsequently been reduced due to the construction of the M80 motorway route north of Steps, however traffic statistics indicate that the A80 is still a busy road in its own right.
- 4.2 Substantial tree and shrub felling occurred in September 2017 which led to complaints by residents of the Belhaven Park estate to the south objecting to loss of the amenity land created by the earlier planning permission. Felling operations were carried out by contractors working on behalf of the current applicant. Planning enforcement officers investigated the matter at that time however no enforcement action could be initiated as the felling works did not require planning permission and planning conditions in the original planning permission, whilst requiring the landscaped area to be created and subject to management/maintenance, did not include a condition to protect the trees in perpetuity.
- 4.3 An Environmental Impact Assessment Screening Request (Ref: 19/00449/EIASCR) was received in 2019 relating to the current development proposal prior to submission of this planning application. The

EIA Screening Opinion identified that an Environmental Impact Assessment was not required and that necessary environmental information could be obtained through applicant's submissions and comments on these from internal and external consultees.

- 4.4 19/00563/PPP Residential Development with Associated Car Parking, Access, Open Space, Drainage Infrastructure and Other Associated Development was approved at Appeal on 10 March 2021.

## **5. Development Plan**

- 5.1 The proposals require to be assessed under the terms of the North Lanarkshire Local Development Plan (NLLDP) 2022 and, in particular under the terms of:

POLICY 3 General Urban Area  
PP 3 POLICY Purpose of Place  
AD 3 POLICY Amount of Development  
EDQ1 Site Appraisal  
EDQ3 Quality of Development

- 5.2 The site is located within the General Urban Area in the NLLDP and is covered by the above policies. The aim of the Plan within these areas is to maintain and improve the level of amenity appropriate for the local context and encourage diversity in more mixed-use areas. This policy requires such proposals to be assessed against the criteria of AD 3 (Amount of Development), 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.
- 5.3 NPF4 forms part of the development plan; given the nature and scale of this development the most relevant considerations are already enshrined in the North Lanarkshire Local Development Plan policies. The policies within NPF4 that are relevant to the application are Policy 3 – Biodiversity, Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings, Policy 14 - Design, Quality and Place and Policy 16 - Quality Homes.
- 5.4 This application can therefore be assessed against the policy provisions of the North Lanarkshire Local Development Plan and the relevant policies with NPF4.

## **6. Consultations**

- 6.1 **NLC Traffic and Transportation** raise no objection to the application. Detailed discussions have taken place in respect to the layout with additional supporting information and updated layouts provided. Comments have been made in respect to internal layout matters, including elements of the proposed footway provision and parking delivery. From a planning perspective, it is highlighted that these are final outstanding comments following a detailed process of refinement where many aspects of the layout have been positively developed as well as existing external footway being widened to 3.5m across the site frontage. There are no concerns raised over the relationship with the wider public road network and a signalised arm to the existing arrangement will be added.
- 6.2 **NLC Pollution Control** raise no objection to the application provided that appropriate conditions are attached to any approval in relation to a Site Investigation due to previous uses of the site and noise from the adjacent road. Conditions are proposed to cover both of these issues.
- 6.3 **NLC Education** were consulted on the previous PPP application and a Section 75 Legal Agreement is already in place to ensure that an appropriate financial contribution will be paid to ensure the delivery of adequate Education facilities within the catchment area.
- 6.4 **NLC Greenspace** raise no objection to the application provided that the further biodiversity enhancements put forward by the Council are taken forward. The applicant has agreed to these enhancements and a condition is proposed to ensure that these enhancements are completed to the Councils satisfaction.
- 6.5 **NLC Community Partnership (Play)** have no objections to the proposal and have requested that a financial contribution of £15,000 is sought in the absence of on-site play provision. This will be secured via an appropriate Legal Agreement.

- 6.6 **Scottish Water** have no objections, however state that they cannot confirm capacity for water or foul drainage, therefore the developer must contact Scottish Water and complete a Pre-Development Enquiry form.
- 6.7 **The Coal Authority** have no objection subject to conditions that have been proposed to ensure that their concerns have been addressed in relation to them being satisfied that the location of a mineshaft within the site is agreed.
- 6.8 **NLC Housing (New Supply Team)** indicated a requirement for on-site provision of 20% social housing due to site being within the Cumbernauld Housing Sub-Market Area. In this instance, however, it has been agreed that a financial contribution will be sought in lieu of provision on-site, it has therefore been determined that the sum equivalent to 6 units would be acceptable. This will be determined by the District Valuer if planning permission is granted for the proposed development. Once the figure is determined, the contribution will be sought through a legal agreement.

## **7. Representations**

- 7.1 Following the standard neighbour notification process and press advertisement 12 letters of objection or representation were received including Local elected member Councillor John McLaren. A summary of the points raised are as follows:-

### **Flood Risk:**

- There is a fear that any development on the site will cause flooding issues for existing residences in the area.
- Loss of green land will lead to flooding.

### **Impact of Cumulative Residential Development:**

- Current infrastructure is being stretched e.g. schools and doctor's surgeries.

### **Noise Implications:**

- Site unsuitable for housing due to noise levels from the A80.

### **Environmental Impact:**

- The development will have a detrimental impact on existing wildlife that frequents the site.
- What is to be done with the mounds of earth within the site boundary?

### **Loss of Privacy:**

- The proposed development will introduce housing on a site which is at present open land, thereby causing security, overlooking and privacy issues. Proposed dwellings will look directly into existing dwellings.
- The access shown to some of the proposed terraced properties is directly behind existing dwellings and will pose a privacy and security issue.

### **Proposed New Footpath Links:**

- The proposed path will lead to anti-social behaviour and litter.

### **Road Safety and Traffic Concerns:**

- Increased traffic congestion in the area as a result of the development.
- Introducing a new junction on this part of the A80 will cause problems.
- Will there still be a footpath along the A80?

### **Miscellaneous Issues:**

- When original adjacent properties were built, this land was to remain undeveloped.
- Fencing along the site's boundary with the A80 will have a detrimental aesthetic impact on the

area.

- There is a pathway indicated from the site into the existing Play Area associated and paid for by residents of the adjacent housing estate.
- What is being proposed over the land denoted as 'pit head' (mineshaft)?
- The requirement for a bund and an acoustic fence will create a dominant feature on the streetscene and prevent passive supervision.
- There should be a children's play facility within the site.
- Youths will gather behind the existing dwellings causing noise and litter as well as on the proposed path.
- This development is not needed or wanted by local residents.
- Will building work be completed safely and without disturbing existing residents?
- Trees have been removed from the site without permission, which caused damage to a property.
- There may well be sewerage/Water issues.
- NLC have allowed development such as the current application which are to the detriment of the area.

## **8. Planning Assessment**

### **Representations**

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

#### **Flood Risk:**

- There is no evidence to suggest that development of the site for housing will have a detrimental impact on existing residences in the area. No development will take place until Scottish Water are satisfied with the proposals and a condition will also be attached to any approval which ensures that an adequate surface water drainage system will be in place. The loss of 'green land' will not be an issue in terms of surface water.

#### **Impact of Cumulative Residential Development:**

- In terms of impact on local services, it is confirmed that a legal agreement is already in place following the approval of the PPP application (on Appeal) which ensures that an Education contribution per dwelling will be paid to offset any Education deficiency caused by the development. The current application, if approved, will also be subject to an affordable housing contribution (set by District Valuer) and a contribution for off-site play provision to be spent on local Council owned facility.

#### **Noise Implications:**

- The Council's Protective Services section have no objection to the proposals in terms of noise nuisance from the A80, provided that suitable noise attenuation is incorporated within the site. Conditions are proposed that will ensure that the potential for noise nuisance is fully mitigated against in the form of a 1.8m and 2.6m high acoustic fences as well as adopting a 'closed window' approach for some dwellings with open trickle ventilators.

#### **Environmental Impact:**

- NLC Greenspace have no objections to the proposals and recommend specific conditions if planning permission is granted for the development and this has been done.
- The land will be regraded, with some 'cut and fill' across the site to create and a flat plateau build area.

#### **Loss of Privacy:**

- All proposed dwelling units meet the minimum requirement of 18 metre window-window distance, most are in excess of 20 metres. There is no reason to believe that development on the application site will cause security issues.
- The accesses to the rear are typical for terraced dwellinghouses. There is no reason to believe

that this type of arrangement will pose any privacy or security issue.

**Proposed New Footpath Links:**

- There is no reason to believe that the proposed path will lead to anti-social behaviour or litter issues.

**Road Safety and Traffic Concerns:**

- NLC Roads and Transportation are satisfied with the proposals in terms of impact on the local area.
- NLC Roads and Transportation are satisfied with a new junction being formed off the A80.
- Adequate footpath provision will be maintained and enhanced to 3.5 metre wide across the site frontage.

**Miscellaneous Issues:**

- It is correct that this land did not form part of the original residential development, however there is never any guarantee that land will not be developed in the future. In any event, there is now a planning permission in principle permission for residential development of the site in place.
- The proposed fencing along part of the site frontage is proposed at 2.6 metre high as it is an acoustic fence. It doesn't stretch across the whole frontage, it will cover just over 80 metres in total with some 22 metres located further into the development. This is considered to be satisfactory considering the side has a frontage of some 260 metres.
- There was a pathway access into the existing play area from the site showing on the original Proposed Site Layout, this has since been removed. There will be no access from the site into the adjacent play area.
- The applicant is required by condition of planning, to establish the exact location of the mineshaft before development can take place on plots 28, 29 and 30. This is to the satisfaction of the Council in consultation with The Coal Authority.
- There is no bund and acoustic fence, only an acoustic fence and an enhanced landscape buffer. The fence line has been discussed above (second bullet point within Miscellaneous Issues) and illustrates why it will not form a dominant feature in the landscape and the fence will be part of homeowners curtilage thereby securing their property.
- The Council's Community Partnership are happy to accept a financial contribution towards upgrading a local Council facility in this instance.
- There is no reason to believe that youths will congregate within the development site causing noise nor litter nuisance.
- The applicant was approved on Appeal by the Scottish Government, therefore the principle of housing development on the site has been established and this application is assessing the detail.
- Development of the site will require to adhere to good working practices e.g. ensure adjacent roads are maintained in terms of being mud free and safety, noise generated within the site being kept to within certain hours.
- The trees being removed did not require planning permission as they were not legally protected. If damage was caused to property, this is a legal matter between the homeowner and the company conducting tree works.
- Conditions are attached to ensure that both surface water and water supply is adequately addressed before any development starts on the site. Scottish Water have not objected to the proposals.
- Developments have been approved on appropriately designated sites. This application was Refused by NLC and applicant Appealed the decision. The Scottish Government overturned the Council's decision and allowed the Appeal and granted planning permission in principle.

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

8.3 Within the NLLDP the site is located within the General Urban Area where Policy 3 applies and 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. It is considered that the proposed development is suitable for this location as it has the benefit of Planning Permission in Principle after the site gained permission for housing through the Appeal process and can be developed without detriment to the surrounding area. The proposed housing is considered to be an appropriate use of the land as it is located within a predominantly residential area and near to amenities and a main thoroughfare. Access to the site is considered to be satisfactory as well as parking within the site. It is considered that the proposals comply with Policies PP 3, AD 3, EDQ 1 and EDQ 3 of the adopted North Lanarkshire Local Development Plan.

- 8.4 In terms of National Planning Framework 4 (NPF4), there are number of policies that affect the proposal, with the most notable ones being Policy 3- Biodiversity, Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings, Policy 14 - Design, Quality and Place and Policy 16 - Quality Homes. These policies are embedded and reflected within the NLLDP policies listed above.
- 8.5 Policy 3 supports developments that will contribute to the enhancement of biodiversity. A condition has been attached, should permission be granted, for the development that ensures that adequate measures will be put in place to offset the removal of vegetation from the site and other enhancements as stipulated by the Councils Biodiversity officers.
- 8.6 Policy 9 supports development that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings. The proposal is considered to comply with this policy as the land is located within the 'General Urban Area' as defined in the adopted Local Plan, is adjacent to existing housing, is not at present being used and benefits from a planning approval.
- 8.7 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 and is of a good design and without detriment to the surrounding area, it is therefore considered to comply with this policy. The principle of housing has also been established through the granting of the Planning Permission Principle (PPP) application.
- 8.8 Policy 16 supports developments for new homes on land allocated for housing in the Local Development Plan (LDP). Whilst the site is not an allocated site within the LDP, the site is supported in terms of this Policy 16(f) i) as the applicant intends to develop the site as soon as the 'prior to commencement' conditions are discharged, it is close to local shops and amenities and the proposal is for smaller scale development within an existing settlement boundary. It is also worth noting that the application site is located within the urban area, and as stated earlier, has the benefit of permission in principle. The proposed development of 30 units is considered to meet the terms of both the permission in principle permission and Policy 16. It will not have a detrimental impact on the area and is compliant with the general principles of this policy.
- 8.9 The above NPF 4 policies are embedded in the adopted NLLDP and, in particular, Policies PP 3, AD 3, EDQ 1 and EDQ 3 discussed in 8.3 above. The development is therefore considered to be consistent with both NPF 4 and NLLDP policies. It is also worth noting that the Scottish Government Reporter stated in the Appeal Decision that 'I consider that the proposal would make efficient use of land by providing housing in an accessible location, avoid over-development and protect the amenity of new and existing development.' The Reporter goes on to state 'The proposal would protect, enhance and promote access to natural heritage, which would provide opportunities to improve health and wellbeing.'

## 9. **Conclusions**

- 9.1 It is therefore considered for the above reasons that the proposed development is acceptable in policy terms and is acceptable in terms of residential amenity. This application is therefore recommended for approval subject to the imposition of appropriate planning conditions. Taking the above assessment into account, it is considered that the detailed design and layout of the proposal represents an acceptable development in creating a sense of place and identity in complying with the provisions of the adopted North Lanarkshire Local Development Plan with no other material considerations to the

contrary. It is also considered to align with NPF4 for the reasons stated above. There is no objection from consultees, subject to conditions. Whilst the concerns expressed by neighbouring residents are noted, the development aligns with the Scottish Government Appeal decision for the site, where they deemed the site acceptable for development subject to conditions. It is therefore recommended that planning permission be granted, subject to conditions.

- 9.2 Planning permission should not be issued until a legal agreement has been concluded in to secure compliance with the Council's policies relation to play and affordable housing.

**Application No:**

24/00319/FUL

**Proposed Development:**

Demolition of 169 Flats (Blocks C,D and E) and Construction of 72 Flatted Units for Social Rent Including associated Car Parking & Amenity Landscaping

**Site Address:**

Nos. 1-103 & 2-204  
Millcroft Road  
Cumbernauld

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**Date Registered:**

28th March 2024

**Applicant:**

North Lanarkshire Council  
Civic Centre  
Windmillhill Street  
Motherwell  
ML1 1AB

**Agent:**

Coltart Earley Architecture  
559 Sauchiehall Street  
Glasgow  
G3 7PQ

**Application Level:**

Major Application

**Contrary to Development Plan:**

No

**Ward:**

03 Cumbernauld South  
William Goldie, Ann Ballinger, Peter  
McDade, James McPhilemy,

**Representations:**

1 letter(s) of representation received.

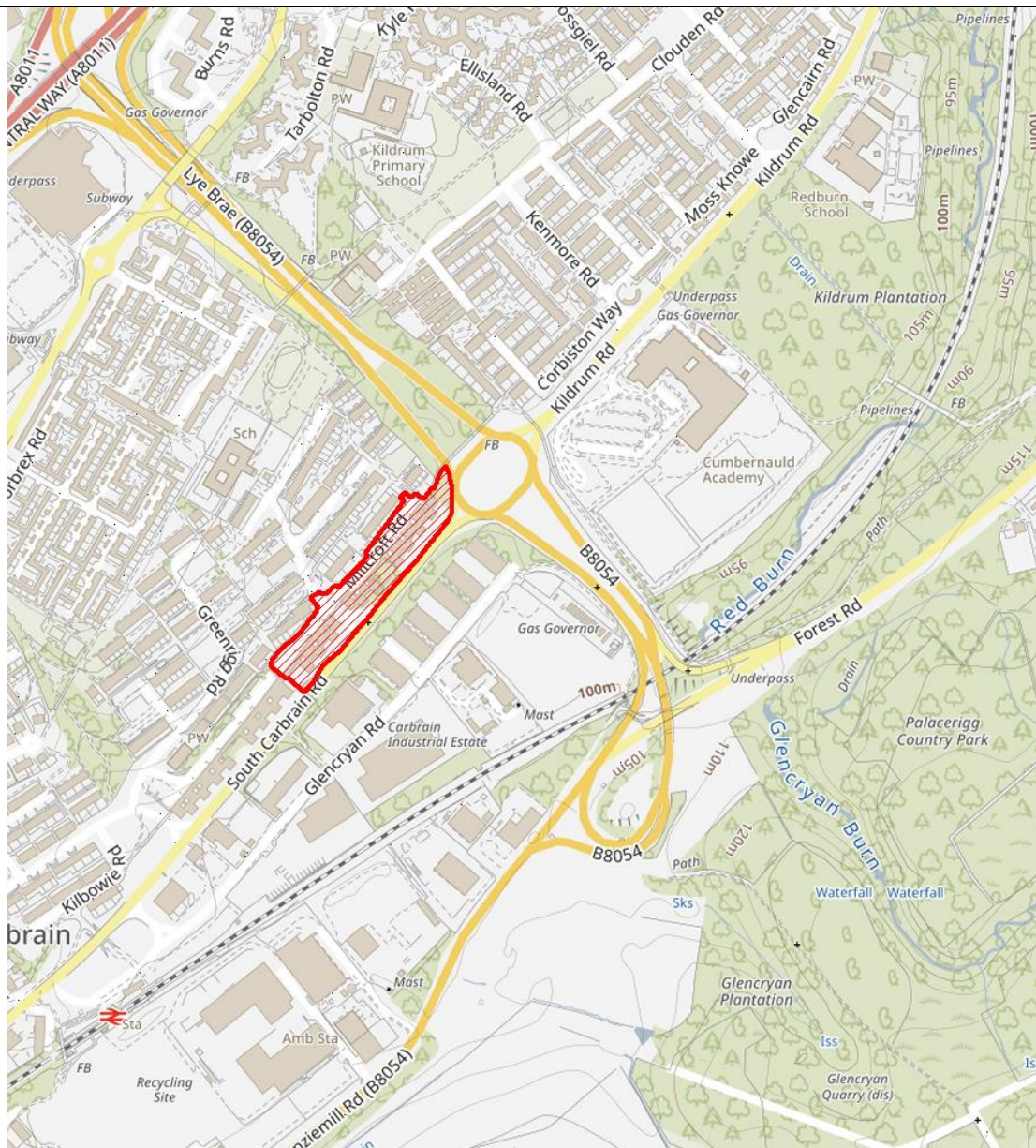
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**Recommendation:****Approve Subject to Conditions****Reasoned Justification:**

The demolition of the existing sub-standard flats and replacement flatted development is acceptable for the site and the wider locale and is in accordance with the relevant policies contained within National Planning Framework 4 and the North Lanarkshire Local Development Plan 2022. Additionally, it provides social housing in an area of need and assists in meeting the Council's target of 5000 new affordable homes by 2035.

**Note:** It is considered necessary to extend the implementation period for this permission to 5 years because of the related procedures and processes that need to be concluded before the development can commence.





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**Planning Application: 24/00319/FUL**  
**Name (of applicant): North Lanarkshire Council**  
**Site Address: Nos. 1-103 & 2-204**  
**Millcroft Road**  
**Cumbernauld**  
**North Lanarkshire**

**Development: Demolition of 169 Flats (Blocks C,D and E) and Construction of 72 Flatted Units for Social Rent Including associated Car Parking & Amenity Landscaping**



## Length of Permission

### Direction:

North Lanarkshire Council directs that subsection (1)(b) of section 58 of the Town and Country Planning (Scotland) Act 1997 applies as respects planning application reference **24/00319/FUL** with the substitution for the period of 3 years referred to in (1) a) of section 58 by the period of **5 years**.

The following applies:

**The length of the permission:** That in accordance with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 but otherwise directed as above; the development hereby permitted shall be started within five years

Please refer to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) for full details.

### 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:-

L(90)001 Location Plan, L(90)100 Proposed Site Plan,  
L(90)101 Roads Adoption Site Plan, L(90)102 Site Elevations,  
L(20)007 Type N2B, L(20)008 Type N1B, L(20)009 Type N2A,  
L(21)001 A Block 1 Elevations, L(21)002 A Block 2 Elevations  
L(21)003 A Block 3 Elevations, L(21)004 A Block 4 Elevations  
L(21)005 A Block 5 Elevations, L(21)006 A Block 6 Elevations

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

2. That PRIOR to any works starting on site a detailed Demolition and Construction Method Statement shall be submitted to the Planning Authority for its written approval in consultation with NLC Protective Services and the development shall be implemented in accordance with the details approved under the terms of this condition. For the avoidance of doubt the statement shall cover:

- (a) Details of the demolition methods;
- (b) Details of how the development will be phased;
- (c) Details of the location of the site compound and management facilities;
- (d) Details of construction access, parking and manoeuvring areas;
- (e) Submission of a Noise Mitigation and Dust Action Plan

**Reason:** To safeguard the residential amenity of the area.

3. 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 interest of the amenity of the site and the general 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 the development shall be implemented in accordance with the details approved under the terms of this condition.

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

5. That BEFORE construction of the flats starts, a comprehensive site investigation (carried out in accordance with British Standard Code of Practice BS 10175: 2001 "The Investigation of Potentially Contaminated Sites") shall be submitted to and approved in writing by the Planning Authority; and any approved mitigation measures shall be associated with an implementation timetable and shall be

completed and verification provided by the Developer to the satisfaction of the Planning Authority.

**Reason:** In the interests of public health, safety and wellbeing.

6. That any remediation identified by the site investigation agreed in terms of Condition 5 above shall be carried out in accordance with an implementation timetable. This timetable shall be agreed in writing with the Planning Authority before any construction works start on site. No individual flatted dwelling shall be occupied until a certificate (signed by a suitably qualified Engineer) has been submitted to the Planning Authority confirming that any remediation works have been carried in accordance with the agreed Remediation Strategy.

**Reason:** To ensure that any remediation identified has been implemented in the interests of the amenity and wellbeing of future residents.

7. That BEFORE the development hereby permitted starts, unless otherwise agreed in writing with the Planning Authority, full details of the proposed surface water drainage scheme shall be submitted to and for the approval of the said Authority. For the avoidance of doubt the drainage scheme must comply with the requirements of the publication titled 'Drainage Assessment: A Guide for Scotland' and any other advice subsequently published by the Scottish Environment Protection Agency (SEPA) or the Sustainable Urban Drainage Scottish Working Party (SUDSWP).

The post-development surface water discharges shall ensure that the rate and quantity of run-off to any watercourse are no greater than the pre-development run-off for any storm return period unless it can be demonstrated that a higher discharge is necessary to protect or improve the aquatic habitat. SUDS shall still be provided even where discharges are proposed to public sewers notwithstanding any conditions imposed by Scottish Water.

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

8. That the SUDS compliant surface water drainage scheme approved in terms of Condition 7 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.

9. 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.

10. That BEFORE the development hereby permitted starts, a scheme of landscaping and biodiversity enhancements 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, shrub and hedgerow planting, incorporating details of the location, number, variety and size of trees, shrubs and hedgerows to be planted;
- (c) an indication of all existing trees, shrubs and hedgerows, plus details of those to be retained, and measures for their protection in the course of development;
- (d) a detailed scheme of biodiversity enhancements to include the measures outlined in Pages 43 and 44 of the Design and Access Statement by Coltart Earley Architecture and the inclusion of bee hotels and bird and bat boxes within the development;
- (e) 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 of the landscaping scheme in the interest of amenity and biodiversity enhancement.

11. That all works included in the scheme of landscaping and planting, approved under the terms of Condition 10 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 and biodiversity enhancement.

12. 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 footpaths on the approved plans;
- (b) the proposed parking areas on the approved plans;
- (c) the proposed grassed and planted areas on the approved plans;
- (d) the proposed fences and walls on the approved plans.

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

13. That BEFORE completion of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 12 shall be in operation.

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

14. That the window specifications, heating and ventilation details and 1.4 metre high brick wall outlined in the WSP Noise Impact Assessment report dated July 2024 and in details and amended plans (Ventilation Specification, Plans L(21)001 A, L(21)002 A, L(21)003 A, L(21)004 A, L(21)005 A, L(21)006 A, L(90)102) received on 21st August 2024 shall be provided and maintained in accordance with the details specified in the said report and plans.

**Reason:** In order to mitigate against road traffic noise levels within the flats and outdoor amenity spaces.

15. That PRIOR to occupancy of the flats hereby approved, a post completion validation report requires to be submitted to and for the approval of the Planning Authority demonstrating that the noise mitigation measures outlined in Condition 14 above have been provided within the development.

**Reason:** In the interests of the well being of the future residents.

16. That PRIOR to the demolition of the flats dawn and dusk bat emergence surveys shall be carried out and submitted to and approved in writing by the Planning Authority. Furthermore, should no development commence within 18 months from the date of the emergence surveys required under the terms of this condition, further updates shall thereafter be provided for the written approval of the Planning Authority before any demolition starts. Following written approval by the Planning Authority, the requirements of those reports in respect to protected species protection shall be complied with in full, including securing any licences from NatureScot.

**Reason:** In the interests of the protection of bats which are a protected species.

17. That unless otherwise agreed in writing with the Planning Authority, demolition of the flats requires to take place outwith the Bird Breeding Season (March to August). For the avoidance of doubt, it is expected that an updated Protected Species Report would be submitted to the Planning Authority confirming no bird's nests are present on site.

**Reason:** In the interests of bird protection.

18. That PRIOR to occupancy of the flats hereby approved, unless otherwise agreed in writing with the Planning Authority, all level changes for wheelchair access, new footpath to the bus stop on South Carbrain Road, turning head, parking provision and the speed table on Millcroft Road require to be implemented.

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

19. Traffic calming measures, the details of which require to be submitted to and for the approval of the Planning Authority require to be provided. For the avoidance of doubt, the traffic calming measures should be provided at maximum 55m centres on the existing lengths of Millcroft Road and shall be implemented PRIOR to occupancy of the flats in accordance with the details approved under the terms of this condition.

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

**Background Papers:**

**Consultation Responses:**

NLC Traffic & Transportation received 06.05.2024

NLC Greenspace received 22/04.2024

NLC Education received 11.04.2024

NLC Assistant Community Partnership Manager (Play) received 07.08.2024

NLC Environmental Health (including Pollution Control) received 08.05.2024, 12.08.2024, 22.08.2024

Scottish Water received 12.04.2024

Scottish Gas Network received 02.04.2024

**Contact Information:**

Case officer Kirsten Devlin at [Planningenquiry@northlan.gov.uk](mailto:Planningenquiry@northlan.gov.uk) or 01236 632487

**Report Date:** 4<sup>th</sup> October 2024

## REPORT

### 1. Site Description

- 1.1 The application site covers 169 flats (Blocks C, D and E) at nos. 1 to 103 and 2 to 204b Millcroft Road, Carbrain and associated land and structures. The flats (including Blocks A and B which do not form part of the application) are 6/7 storeys in height and were constructed in 1967 forming part of the development of Cumbernauld New Town.
- 1.2 The flats, which are currently in multiple private ownerships, are characterised by their high density and linear form. They were designed to house both smaller and larger families with many being 3 or 4 bedroom maisonettes. Their design includes undercroft car parking and high-level walkways which link to the wider footpath network including the footbridge over Millcroft Road.
- 1.3 The flats have fallen into a severe state of disrepair over the years likely due to a long-term lack of maintenance and failures in the factoring service; this results in extremely poor living conditions for the residents. As well as the sub-standard condition of the flats themselves the common areas and access walkways are subject to high levels of vandalism and dumping of rubbish.
- 1.4 The flats are the subject of a Compulsory Purchase Order made by the Council under the Housing (Scotland) Act 1987 on 29<sup>th</sup> March 2023. This process is ongoing and the outcome of a recently held Public Inquiry is currently awaited.

### 2. Proposed Development

- 2.1 The application involves the demolition of 169 flats (3 blocks) at nos. 1 to 103 and 2 to 204b Millcroft Road, Carbrain and the construction of 72 replacement flats for social rent.
- 2.2 The proposed flats are lower in height, ranging from 3 to 5 storeys and have a smaller footprint. They take the form of 6 blocks with bookend Blocks 1 and 6 being the highest at 4 and 5 storeys, while Blocks 2 - 5 are a mix of 3 and 4 storeys. The Blocks are sited in pairs and share their own useable amenity space and bin storage areas the design of which complement the flats.
- 2.3 The housing mix consists of 8 x 2 bedroom/3-person wheelchair accessible flats and 64 x 2 bedroom/4-person mainstream flats. All flats will be designed to Housing for Varying Needs standards. The material palette consists of brown and buff facing bricks with dark window frames, doors and concrete roof tiles like other social housing developments within North Lanarkshire.
- 2.4 The redevelopment replaces the existing modernist linear high-density flats with a more traditional lower-density form of development. It will result in improved pedestrian access throughout by removing existing high-level walkways, the footbridge over Millcroft Road and improved footpath gradients linking to the wider footpath network. The existing road layout will be maintained with road safety improved by the introduction of a speed table. The footbridge crossing Millcroft Road will be replaced by a new level crossing. The reduction in both density and footprint results in a spacious layout with larger areas of open space with improved landscaping/biodiversity and parking levels.

### 3. Applicant's Supporting Information

- 3.1 The applicant has provided the following comprehensive package of information in support of their application:
  - Pre- Application Consultation Report
  - Compulsory Purchase Order Statement of Reasons
  - Building Condition Survey
  - Design and Access Statement
  - Street Engineering Review
  - Desktop Study
  - Energy Report
  - Noise Impact assessment



- Ventilation Specification
- Drainage Layout
- Preliminary Bat Roost Assessment
- Tree Survey
- Tree Management Plan
- Planting Plan

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

- 4.1 23/00724/PAN: Demolition of 169 Flats and Construction of 72 Affordable Flatted Units

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

- 5.1 The development plan consists of National Planning Framework 4 (NPF4) and the North Lanarkshire Local Development Plan (NLLDP) 2022.
- 5.2 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 1- Tackling the Climate and Nature Crisis, Policy 2 – Climate Mitigation, Policy 3 – Biodiversity, Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings, Policy 13 – Sustainable Transport, Policy 14 - Design, Quality and Place, Policy 15 – Local Living, Policy 16 - Quality Homes and Policy 19 – Heating and Cooling.
- 5.3 In terms of the North Lanarkshire Local Development Plan 2022 the following policies are of relevance:
- Purpose of Place - PP 3 POLICY General Urban Area  
Amount of Development - AD 3 POLICY  
EDQ1 Site Appraisal  
EDQ3 Quality of Development
- 5.4 The site is an allocated housing site in the NLLDP and is covered by the above policies. The aim of the Plan within these areas is to maintain and improve the level of amenity appropriate for the local context and encourage diversity in more mixed-use areas. This policy requires such proposals to be assessed against the criteria of AD 3 (Amount of Development), EDQ1 (Site Appraisal) and EDQ3 (Quality of Development) which considers issues such as location of development, size, materials and road safety and states that proposals must integrate successfully with the surrounding area by avoiding harm to neighbouring amenity.
- 5.5 This application can therefore be assessed against the policy provisions of the North Lanarkshire Local Development Plan and the relevant policies within NPF4.

#### 6. **Consultations**

- 6.1 **NLC Traffic and Transportation** raise no objection to the application. They comment that the level changes for wheelchair access, new path to the bus stop on South Carbrain Road, turning head, speed table on Millcroft Road and parking provision, all shown on the plans require to be implemented. Furthermore, if Designing Streets cannot be implemented traffic calming should be provided at maximum 55m centres on the existing lengths of Millcroft Road. These matters are covered by Planning Conditions.
- 6.2 **NLC Pollution Control** have no objection and confirmed a Noise Impact Assessment (NIA) was required and that they are reviewing the submitted Site Investigation Desktop Study. As the Desktop Study consultation is ongoing the standard Site Investigation/Remediation conditions will be attached. Regarding the submitted NIA further details in relation to ventilation and wall details were requested. These details were received and confirmed as being acceptable and are covered by planning conditions including a post work validation condition. Standard comments on noise, clean air and nuisance during the construction phase and lighting were also received, which are covered by advisory notes.
- 6.3 **NLC Education** have no objection as the proposal is unlikely to have an adverse impact on the local school rolls.
- 6.4 **NLC Greenspace** have no objections. Page 47 of 112  
The submitted bat survey and biodiversity enhancements

being incorporated into the landscaping scheme. Biodiversity enhancements have been provided and an updated survey has been conditioned as the timescale for demolition of the flats is unclear due to the ongoing Compulsory Purchase Order.

- 6.5 **NLC Community Partnership (Play)** have no objections to the proposal as the nearby Millcroft playpark has recently been upgraded and as such the proposal has no impact on local play provision requirements.
- 6.6 **Scottish Gas Network** have no objections as there are no High-Pressure assets in the vicinity.
- 6.7 **Scottish Water** have no objection confirming there is currently sufficient capacity in the Balmore Treatment Works. They are unable to confirm capacity at the Dunnswood Waste Water Treatment Works and suggest a Pre-Development enquiry Form is submitted.

## **7. Representations**

- 7.1 Following the neighbour notification and press advertisement 1 letter of objection has been received. The points raised and comments thereon are as follows:

**Point of Objection:** An equipped play area should be provided in the space between Blocks 4 and 5.

**Comment:** There is not sufficient space between the flats to provide a play area and the required stand-off from the flatted properties. In any event, the reduction in the number of flats means there is less of an impact on local play facilities. Furthermore, there is no requirement for a financial contribution for upgrading local facilities as the nearby Millcroft Playpark has recently been upgraded by the Council.

**Point of Objection:** The existing double access onto South Carbrain Road should be improved to a T junction to improve traffic safety.

**Comment:** NLC Traffic and Transportation have not requested a T junction and are satisfied with utilising the existing layout with the addition of a speed table.

**Point of Objection:** The street lighting on Millcroft Road should be improved.

**Comment:** NLC Traffic and Transportation have not raised this as an issue, however new street lighting will form part of the redevelopment of the site.

## **8. Planning Assessment**

- 8.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In terms of National Planning Framework 4 (NPF4), there are number of policies that affect the proposal, with the most notable ones being Policy 1- Tackling the Climate and Nature Crisis, Policy 2 – Climate Mitigation, Policy 3 – Biodiversity, Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings, Policy 13 – Sustainable Transport, Policy 14 - Design, Quality and Place, Policy 15 – Local Living, Policy 16 - Quality Homes and Policy 19 – Heating and Cooling.
- 8.3 Policy 1 - Tackling the Climate and Nature Crisis is met by the proposal as it replaces existing poor quality energy inefficient flats with new low-carbon housing and creates new green and biodiverse spaces.
- 8.4 Policy 2 – Climate Mitigation is also met with the whole-life carbon strategy highlighting the benefits of the proposed development compared to the existing housing. This is contributed to by its accessible location, cycle parking, EV charging and low-energy heating strategy. The timber frame construction above first floor level will ensure a high degree of carbon sequestration within the main building structure.
- 8.5 Policy 3 – Biodiversity has been fully taken into consideration with the new diverse planting for birds, bees and other insects. Bee hotels and bird and bat boxes are to be installed within the blocks and existing trees will be retained where possible and native species will be planted.



- 8.6 Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings supports development that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings but highlights demolition is regarded as the least preferred option. Demolition is justified in this case given the extremely poor state of the flats, the prohibitive cost of retrofitting and the sub-standard living environment for the residents. The replacement flats will be an improvement for residents and will provide 100% Affordable housing.
- 8.7 Policy 13 – Sustainable Transport is complied with in the following ways: by the provision of EV charging for 100% of the units, pedestrian travel improvements by providing level routes, removing high-level walkways and introducing a level footpath link to the existing bus stop of South Carbrain Road. 125% cycle storage will also be provided.
- 8.8 Policy 14 - Design, Quality and Placemaking 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, namely: - Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. It is considered that the proposal complies with this policy.
- 8.9 Policy 15 – Local Living requires development proposals to contribute to local living including 20-minute neighbourhoods including the level and quality of interconnectivity with the surrounding area. The site is well located with pedestrian links to Cumbernauld Town Centre, Millcroft playpark, Cumbernauld Train Station and further afield. Access to the existing public transport network is significantly improved by the removal of the high-level walkways and steps and by introducing a new footpath link to the existing bus stop on South Carbrain Road.
- 8.10 Policy 16 – Quality Homes promotes and facilitates the delivery of more high quality, affordable and sustainable homes in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. Of relevance to this proposal are parts (a) Allocated housing sites within the LDP; (b) Statement of Community Benefit explaining the contribution to meeting local housing requirements, including affordable homes, enhancing local infrastructure, facilities and services and improving the residential amenity of the surrounding area; (c) Development proposals that improve affordability and choice by being adaptable to changing and diverse needs; and (e) Provision for affordable homes to meet an identified need.

The application site is an allocated housing site in the NLLDP located within the urban area; the proposal therefore meets the terms of policy 16 (a). This 100% affordable housing scheme assists the Council with its ambition to reach its target for affordable housing within the area. The substandard inefficient flats will be replaced by a development that will not only provide significant living condition improvements for the future residents but will also improve the level of amenity and outlook for the existing adjacent residents. The flats are designed to Passivhaus principles with a low carbon heating strategy with enhanced thermal building fabric. The development will also be designed to Housing for Varying Needs and Secure by Design Gold standards. The proposal enhances local infrastructure by removing existing high-level walkways and flights of steps which are subject to anti-social behaviour and aren't DDA compliant. The footbridge crossing Millcroft Road will be replaced by a new level crossing and existing linkages to the wider footpath network will also be regraded so they can be used by all abilities. A DDA compliant footpath will also be formed from within the site to the existing bus stop on South Carbrain Road. Local road safety will also be improved through enhanced parking provision and the introduction of a speed table and traffic calming measures on Millcroft Road. The proposal will result in significant benefits to the area as such complying with the principles of policy 16 (b). As the proposal is 100% affordable housing for rent that meets an identified need and will be designed to Housing for Varying Needs and Secure by Design Gold standards policy 16 (c) and (e) are fully complied with.

- 8.11 Policy 19 – Heating and Cooling requires developments are designed to promote sustainable temperature management. A decarbonised heating strategy is at the core of the proposal and has been based on achieving the Passivhaus Classic Standard which should reduce CO2 emissions by 86 % for space heating and 50% for hot water heating.
- 8.12 Within the NLLDP the site is an allocated housing site and is within the general urban area so 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.

- 8.13 It is considered that the proposed development is suitable as it is an allocated housing development site located within an existing General Urban Area. Given this, Policy AD 3 (Amount of Development) is automatically complied with and the proposal requires no assessment of the amount of development.
- 8.14 Policy EDQ 1 (Site Appraisal) requires the development to be appraised in terms of the site and its surroundings to ensure it will integrate successfully into the local area and avoid harm to neighbouring amenity. A number of matters required to be assessed; those most relevant to this proposal are:
- massing, height, style, finishing materials of any buildings on the site and surrounding Land Use Character Area
  - orientation and topography of the site and surrounding Land Use Character Area
  - building lines, plot ratios, groupings, types of enclosure (e.g. fences, walls, hedges), landmarks in the Land Use Character Area
  - accessibility by a range of sustainable transport modes
  - existence and quality of connections and access including site and building entrances, roads, paths and visuals on the site and surrounding Land Use Character Area
  - Green Network, landscape character and quality on the site and surrounding Land Use Character Area
  - biodiversity of plants and animals on the site and surrounding Land Use Character Area
  - the potential for installation and operation of low and zero-carbon generating technologies in new, refurbished or re-purposed buildings.

The proposed flats will result not only in significant living condition improvements for the future residents but will also improve the general level of amenity and outlook for the existing neighbouring residents. In particular, the design, height, scale, massing, facing materials and groupings of the flats are a significant improvement on the current modernist, linear, high-density, poorly maintained flats. The site is well placed for accessing sustainable modes of transport, however, the proposal results in improvements to the footpaths on-site by removing existing high-level walkways and flights of steps which are subject to anti-social behaviour and are not DDA compliant. The footbridge crossing Millcroft Road will be replaced by a new level crossing and existing linkages to the wider footpath network will also be regraded so they can be used by all abilities. Furthermore, a DDA compliant footpath will be created from within the site to the existing bus stop on South Carbrain Road. Local road safety will also be improved by enhanced parking provision and the introduction of a speed table and traffic calming measures on Millcroft Road. The proposal involves the removal of most of the existing trees on site, the majority of which are non-native species. However, the development proposes larger areas of useable amenity space and more general open space areas with improved planting and the introduction of native trees that will improve not only the landscape character of the site and surrounding area but also result in biodiversity benefits. The flats will be designed to Passivhaus principles with a low carbon heating strategy with enhanced thermal building fabric. The development will also be designed to Housing for Varying Needs and Secure by Design Gold standards.

- 8.15 Policy EDQ 3 (Quality of Development) states proposals will only be permitted where high standards of site planning and sustainable design are achieved. The proposal is considered to comply with this policy as it will result in a well-designed, lower density, traditional form of flatted development with improved open space including landscaping and biodiversity enhancements. Access for all abilities will be improved throughout the site including linkages to the wider footpath network and a new footpath link will be formed from within the site to the existing bus stop on South Carbrain Road. Road safety will be improved by enhanced parking provision and the introduction of a speed table and traffic calming measures on Millcroft Road. Electric Vehicle charging provision for 100% of the units and 125% cycle storage will also be provided. The development will be designed to Passivhaus principles with a low carbon heating strategy with enhanced thermal building fabric. The development will also be designed to Housing for Varying Needs and Secure by Design Gold standards. It is estimated CO2 emissions will be reduced by 86% for space heating and 50% for hot water heating. It is therefore considered that the proposals comply with Policies PP 3, AD 3, EDQ 1 and EDQ 3 of the North Lanarkshire Local Development Plan 2022.

- 8.16 The proposal will result in the provision of high quality affordable flatted homes in an area of need that will improve the amenity of the existing residents and the local area and is consistent with the relevant policies contained within NPF 4 and the NLLDP. It is recommended planning permission be granted subject to conditions.
- 8.17 The outcome of a Scottish Government Hearing into objections received to the Compulsory Purchase Order promoted by NLC is awaited. The timescale for this is unknown and as such it is considered appropriate to grant planning permission with an implementation condition of 5 years instead of the standard 3-year timescale.

**Application No:**

24/00355/FUL

**Proposed Development:**

Development of Units Suitable for Class 4, 5 & 6 Use,  
Landscape Works, Drainage (Part Retrospective), Access and  
Associated Development.

**Site Address:**

Land West Of  
Ravenscraig Sports Facility  
1 O'donnell Way  
Motherwell  
ML1 2TZ

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**Date Registered:**

18th April 2024

**Applicant:**

North Lanarkshire Council  
Suite 7  
Muirfield Centre  
South Muirfield Road  
Cumbernauld  
G67 1AX

**Application Level:**

Major Application

**Agent:**

Nikki McAuley  
111 McDonald Road  
Edinburgh  
EH7 4NW

**Contrary to Development Plan:**

No

**Ward:**

19 Motherwell South East And Ravenscraig  
Kenneth Duffy, Kaye Harmon, Nathan Wilson,  
David Robb,

**Representations:**

0 letter(s) of representation received.

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

The proposed development is considered acceptable in terms of the development plan and meets the criteria set out within NPF 4 and policies PROM LOC1, PROM LOC2, PP 2A and AD 2A, PP 3 and AD 3, EDQ 1 and EDQ 3 of the North Lanarkshire Local Development Plan 2022. The Class 4, 5 and 6 development proposed can be incorporated within this designated regeneration and strategic business area without having a detrimental impact on the character and amenity of the site and wider area.



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**Planning Application: 24/00355/FUL**  
**Name (of applicant): North Lanarkshire Council**  
**Site Address: Land West Of Ravenscraig Sports Facility, 1 O'donnell Way**  
**Motherwell North Lanarkshire ML1 2TZ**

**Development: Development of Units Suitable for Class 4, 5 & 6 Use, Landscape Works, Drainage (Part Retrospective), Access and Associated Development.**



### 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:-

3809 AL(0)01, 3809 AL002, 3809 AL0200 RevB  
3809 AL0201 RevB, 3809 AL0202 RevA, 3809 AL0210 RevB  
3809 AL0220 RevB, 3809 AL0230 RevB, 3809 AL0231 RevA  
3809 AL0232, 3809 AL(9)01, 61082-IFL-ZZ-XX-DR-L-00-001 P01,  
61082-IFL-ZZ-XX-DR-L-00-002 P01, 61082-IFL-ZZ-XX-DR-L-00-003 P01  
65097-33-008 P01, DSCAS-0068400-DXD, 65171-33-001 P01  
3809 AL(0)05, 3809 AL(0)03 RevC, 65171-14-001 P01  
65171-14-002 P01, 65171-14-003 P01, 65171-28-001 P01

2. That, notwithstanding the terms of Condition (1) above, the development shall be implemented in accordance with the site levels shown on drawing number 65171-28-001 P01 and no alterations shall be made to these approved site levels and approved plans without the prior approval in writing of the Planning Authority.

For the avoidance of doubt, this condition also includes the requirement for prior approval for any changes in site levels proposed as a consequence of other formal consent processes including Roads Construction Consent and the Building Warrant process.}

**Reason:** To ensure that all new site levels are appropriate for protecting the amenity of the proposed development.

- 3 That BEFORE any works of any description start on the application site, unless otherwise agreed in writing with the Planning Authority, a comprehensive site investigation report shall be submitted to and for the approval of the said Authority. The investigation must be carried out in accordance with current best practice advice, 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. Information on the required format of the report and how it should be submitted to us can be found online: <https://www.northlanarkshire.gov.uk/planning-and-building/planning-applications/how-discharge-contaminated-land-planning-conditions>

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

4. That any remediation works identified by the site investigation required in terms of Condition 4, shall be carried out to the satisfaction of the Planning Authority. 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 development users.

5. That the visibility splays detailed in drawings 3809 AL(0)05 and 65171-14-001 P01 shall be provided on both sides of each vehicular access prior to the occupation of the first Unit, 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.

6. That prior to the last Unit hereby permitted is occupied, unless otherwise agreed in writing by the Planning Authority, all works and biodiversity enhancements in the scheme of landscaping and planting as detailed in drawings 61082-IFL-ZZ-XX-DR-L-00-001 P01, 61082-IFL-ZZ-XX-DR-L-00-002 P01, 61082-IFL-ZZ-XX-DR-L-00-003 P01 shall be implemented in full 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 planting season 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 development hereby permitted starts, the full name and contact details of the contractor to implement the management and maintenance of the development site in accordance condition 6 and as detailed in drawing 61082-IFL-ZZ-XX-DR-L-00-002 P01 shall be submitted to the Planning Authority.

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

8. That before the completion of the development hereby permitted, unless otherwise agreed in writing by the Planning Authority, the management and maintenance schedule, as per condition 7 above and detailed in drawing 61082-IFL-ZZ-XX-DR-L-00-002 P01, shall be in operation.

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

9. That before the development hereby permitted starts, an ecological pre-construction walkover survey shall be undertaken and be submitted to, and approved in writing by the Planning Authority. Following approval by the Planning Authority all enhancements and mitigation measures detailed within the approved document shall be implemented in full, unless otherwise agreed in writing by the Planning Authority.

**Reason:** In the interests of protecting nature conservation interests.

10. That prior to the last Unit hereby permitted is occupied, the boundary treatments shown in drawings 3809 AL(9)01 and 3809 AL(0)03 RevC shall be implemented in full, unless otherwise agreed in writing by the Planning Authority.

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

11. That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the development hereby permitted shall solely be used in accordance with Class 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

**Reason:** To define the use of the land.

#### **Background Papers:**

#### **Consultation Responses:**

The Coal Authority  
Scottish Water  
Environmental Health (including Pollution Control)  
Traffic & Transportation  
NLC Greenspace

#### **Contact Information:**

Any person wishing to inspect these documents should contact Patricia Beaton at [planningenquiry@northlan.gov.uk](mailto:planningenquiry@northlan.gov.uk)

**Report Date:** 23rd September 2024



## **APPLICATION NO. 24/00355/FUL**

### **REPORT**

#### **1. Site Description**

- 1.1 The application site is located within the established urban area of Ravenscraig to the east of Motherwell town centre. The application site is approximately 3 ha in size and is located to the west of the Ravenscraig Regional Sports Facility and is to be accessed from the Ravenscraig Employment Spine Road leading onto the roundabout at the junction of New Craig Road, O'Donnell Way and Robberhall Road. The site has a variety of level differences within the site, with embankments to the northern, eastern and southern site boundaries. This application site is within the Ravenscraig Regeneration Area and is considered vacant brownfield site.

#### **2. Proposed Development**

- 2.1 The applicant seeks planning permission for a development of units suitable for Class 4, 5 & 6 use, landscape works, drainage (part retrospective), access and associated development. The total floor area proposed is 5774 sqm with the speculative development consisting of three single occupancy units (buildings referenced A, B and C). Units A, B and C each have its own service yard and parking provision. The fourth building proposed will be a multiple occupancy building which is to be split into six separate units (Units D1, D2, E1, E2, E3 and F). This building will have three shared parking and service yards.
- 2.2 As part of the proposed development the applicant proposes to create a new access junction from the application site onto the existing Ravenscraig Employment Spine Road, which is yet to be formally named. A total of 118 parking spaces are proposed including 12 disabled parking spaces and 14 electric vehicle charging spaces. Provision will also be made for cycle parking.

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

- 3.1 The Applicant has provided the following information:

- Architectural drawings
- Site level and section drawing
- Drainage Strategy
- Landscape Proposals
- Air Quality Impact Assessment Scoping Report
- Planning Supporting Statement
- Design and Access Statement
- Flood Review Report
- Pre-application Consultation Report
- Sustainability and Energy Strategy
- Transportation Statement
- Updated Ground Investigation Report
- Ecological Walkover Survey
- Invasive Non-Native Species Survey

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

- 4.1 A Proposal of Application Notice (23/01244/PAN) was submitted in November 2023 setting out the proposals to consult with the local community as this considered to be a major application due to the size of the application site.
- 4.2 A request for an Environmental Impact Assessment (EIA) Screening Opinion for Proposals for Development of Units Suitable for Class 4, 5 & 6 Uses (23/01346/EIASCOR) where it was determined that an EIA was not required.



- 4.3 An application for planning permission (22/01464/FUL) was approved (subject to conditions) in March 2023. The applicant, Fusion Assets, sought permission for site enabling works including earthworks, the construction of a SUDS basin, drainage and associated development. These works were considered necessary to prepare the development site for further future development.
- 4.4 In November 2020 planning permission in principle was approved for a revision of Mixed-Use Development Approved under Planning Permission Ref: 01/00758/OUT Comprising Residential Areas, Educational/Community Facilities, Business and Employment Uses, Open Space including Town Park, Hotels, a New Town Centre including Retail, Leisure, Business and Housing with associated Transport Infrastructure (18/00463/PPP). This permission approved the revised Ravenscraig Masterplan which set out the proposed use for each area within the Masterplan boundary. The revised Ravenscraig Masterplan as approved designated the application site as part of an Employment/Retail Area.
- 4.5 Condition 5 of Permission 18/00463/PPP set out that *‘That, prior to the submission of any MSC applications for any part of the site, a detailed Area Planning Brief (APB) shall be submitted to and approved by the Planning Authority for that part of the site. These documents should be produced using the principles set out in the Ravenscraig Masterplan (Rev E). Each APB shall seek to define the following:-*
- *The specific uses proposed,*
  - *Quantity of each use proposed*
  - *Concept design of key spaces and frontages*
  - *Placemaking concepts*
  - *Landscape concepts and quality*
  - *Streetscape concepts and quality*
  - *The scale and nature of open space and play provision within each residential development area*
  - *Action Plans addressing Walking, Cycling and Public Transport. (Each Action Plan shall include detailed phasing plans linking new strategic links/routes with phases of the development, including the identification of any at grade signalised crossing points to ensure the safe passage of pedestrians and cyclists.)*
  - *An Air Quality Assessment*

*Subsequent MSC applications for development within each APB area shall accord with the terms of the Area Planning Brief.’*

- 4.6 As part of the discharge of condition 5 an Area Planning Brief (APB) for the Employment Area of the Ravenscraig Masterplan (Ravenscraig Masterplan, Employment Area - Area Planning Brief 6) was submitted for approval in May 2024 which set out options for the development of the Employment Area (which includes the current application site). APB 6 was subject to a detailed assessment which include consultation with stakeholders and other council services. The Ravenscraig Masterplan, Employment Area - Area Planning Brief 6 was considered acceptable and condition 5 (in relation to the Employment Area) was discharged. The Ravenscraig Masterplan, Employment Area - Area Planning Brief 6 is a material consideration in the determining of planning application within the Ravenscraig Masterplan, Employment Area.

## **5. Development Plan**

- 5.1 The Development Plan consists of the North Lanarkshire Local Development Plan and the National Planning Framework 4 (NPF 4). NPF 4 was adopted by the Scottish Parliament in February 2023 and prevails over any policies in the Local Development Plan that are incompatible with its aims and objectives.
- 5.2 NPF 4 policy 3 Biodiversity sets out criteria by which development should be assessed. Development proposals should contribute to the enhancement of biodiversity, and development proposals for major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity.
- 5.3 NPF 4 policy 9 Brownfield, vacant and derelict land and empty buildings seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

- 5.4 NPF 4 policy 13 Sustainable Transport sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- 5.5 NPF 4 policy 14 Design, Quality and Place 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
- 5.6 NPF 4 policy 26 Business and industry sets out to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.
- 5.7 The following policies are relevant within the North Lanarkshire Local Development Plan:
- PROM LOC1 – Regeneration Priorities
  - PROM LOC2 – Business Development Sites
  - PP 2A and AD 2A – Strategic Business Centres
  - PP 3 and AD 3 – General Urban Area
  - EDQ 1 – Site Appraisal
  - EDQ 2 – Specific Features for Consideration
  - EDQ 3 - Quality of Development
- 5.8 PROM LOC1 – Regeneration Priorities
- Under policy PROM LOC1 the application site has been zoned as part of the wider Ravenscraig Regeneration Area. The council will promote regeneration and sustainable growth delivering the right amount of development in the right places, developed to the right quality, and for the benefit of the communities they affect. Physical regeneration of the existing urban area and within identified Centres will be given priority.
- 5.9 PROM LOC2 – Business Development Sites
- This policy seeks to strike an appropriate balance between the benefits from sustainable economic growth and any impacts arising that could compromise the character of an area may require suitable mitigation. The council support and direct business development to identified Strategic and Local Business Centres and sites within the Industrial & Business Land Supply. The application site is an existing and strategic business development site (NLS00455) under policy PP 2A (below)
- 5.10 PP 2A and AD 2A – Strategic Business Centres
- This policy seeks to encourage large scale business users to locate in designated Strategic Business Centres and safeguard their character from dilution by other inappropriate uses and support upgrading of premises, amenities, access, parking and green space. The application site is designated as an existing and strategic business development site (NLS00455) under policy PP 2A. Strategic Business Centres are of such a scale and location that they can accommodate a full range of Class 4 Business, Class 5 General Industrial and Class 6 Storage or Distribution uses. Policy PP 2A requires application for new development to be assessed for their implications related to the amount of development proposed. The need for an assessment depends on the combination of type (Use Class), scale and location of development.
- 5.11 PP 3 and AD 3 General Urban Area
- This policy which seeks to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with its often primarily residential character and encouraging diversity in more mixed-use areas. General Urban Areas are either primarily residential in character or have a mixture of recognisably urban uses.
- 5.12 Environmental and Design Quality Policies
- EDQ 1 – Site Appraisal
  - EDQ 2 – Specific Features for Consideration
  - EDQ 3 – Quality of Development

These three policies 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 policies 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.

## **6. Consultations**

- 6.1 The following consultation responses have been received in respect of the application.
- 6.2 The Coal Authority has no objection to this application and have requested an informative regarding potential unrecorded coal mining related hazards be attached to any permission.
- 6.3 Scottish Water has no objection to this application.
- 6.4 NLC's Pollution Control Service has reviewed the Air Quality Impact Assessment Scoping Report and Ground Investigation Report submitted with this application and have no objections to the information submitted or proposed development. A formal Air Quality Impact Assessment is not required for the proposed development. Pollution Control has also advised that they have no noise pollution concerns and a Noise Impact Assessment is not required. Pollution Control has advised that, should this application be approved, conditions in relation to site investigations and remediation works should be attached to any permission.
- 6.5 NLC's Roads Development Service has reviewed the Transportation Statement and drawings submitted with this application and have provided comments in relation to parking provision, the proposed access onto the Ravenscraig Employment Spine Road and the development's internal road layout and junctions. The Roads Development Service have advised that, should this application be approved, conditions in relation to the visibility splays of the proposed access and internal junctions should be attached to any permission.
- 6.6 NLC's Greenspace Development Service has reviewed the Landscape Proposals, Ecological Walkover Survey and Invasive Non-Native Species Survey and have advised that they are satisfied for the proposed landscaping for the development. The Greenspace Development Service have advised that should this application be approved, conditions ensuring the full implementation and thereafter maintenance of the proposed landscaping be attached to any permission. A conditions requiring a pre-construction walkover survey to take place prior to development should also be attached to any permission.

## **7. Representations**

- 7.1 No representations were received as a result of the advertisement of this application.

## **8. Planning Assessment**

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the North Lanarkshire Local Development Plan (NLLDP) and the National Planning Framework 4 (NPF 4) with NPF 4 prevailing over any NLLDP policies that are incompatible with its aims and objectives.

### **National Planning Framework 4**

- 8.2 The introduction of NPF 4 in February 2023 requires that these policies be taken into account in assessing all developments. The most appropriate of these are discussed below.
- 8.3 NPF 4 policy 3 Biodiversity indicates that proposals for major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity. Proposals for future management should be included. Proposals will need to demonstrate how they

have met all of the criteria set out within part b) of NPF 4 policy 3. The applicant has submitted an Ecological Walkover survey which concludes that the application site, having been prepared for development through the implementation of the enabling works approved under permission 22/01464/FUL, is of negligible interest for wildlife and is out with statutory nature conservation designations. It is noted that the applicant has proposed a scheme of landscaping and biodiversity enhancements which as detailed within drawings 61082-IFL-ZZ-XX-DR-L-00-001 P01, 61082-IFL-ZZ-XX-DR-L-00-002 P01, 61082-IFL-ZZ-XX-DR-L-00-003 P01. A detailed management and maintenance schedule has also been submitted.

- 8.4 The council's Greenspace Development Service has advised that they are satisfied with the proposed landscaping for the development. Should this application be approved conditions requiring the full implementation of the landscaping and planting scheme detailed within the submitted drawings should be attached to any permission. Conditions requiring the naming of the contractor to undertake the management and maintenance schedule as well as the implementation of this schedule shall be attached to any permission. The Greenspace Development Service has further advised that that a condition requiring a pre-construction walkover survey to take place prior to development should be attached to any permission. On assessment, it is considered that the proposed development would sufficiently be compatible with policy 3 (Biodiversity) within NPF 4 so long as the appropriate mitigations are undertaken.
- 8.5 NPF 4 policy 9 Brownfield, vacant and derelict land and empty buildings seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. NPF 4 defines brownfield land as land which has previously been developed and that the term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable. The application site is a vacant brownfield site which has been designated for development within the NLLDP. It is considered that the proposed development will enable this site to be reused in such a way that would not adversely impact the surrounding area. The proposed development accords with policy 9 of NPF 4.
- 8.6 NPF 4 policy 13 Sustainable Transport sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Proposals to improve, enhance or provide active travel infrastructure and public transport infrastructure will be supported. The application site is located within walking distance of public transport provision (bus stops) at the nearby Ravenscraig Sports Centre and New College Lanarkshire - Motherwell Campus which enables onward travel to Motherwell Town Centre, Wishaw, Wishaw Hospital, Shotts, Allanton and Harthill. Whilst it is noted that the applicant proposes to provide 118 parking spaces including 12 disabled parking spaces, the applicant does include electric charging facilities (14 chargers), a 3m cycle path and cycle parking within the proposed development. It is considered that whilst there will remain a need for the users of the development to utilise private cars, the inclusion of facilities for more sustainable modes of travel alongside close proximity to public transport links will provide the users with opportunities for sustainable travel. The proposed development is therefore considered to accord with policy 13 Sustainable Transport.
- 8.7 NPF4 policy 14 Design, Quality and Place 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. Proposals which are poorly designed or detrimental to the amenity of the surrounding area will not be supported. LDP policies EDQ 1 and EDQ 3 collectively have similar requirements, specifying that development proposals be subject to an appropriate site appraisal and achieve a high quality of development. It is considered that the size, scale and massing of the proposed units are acceptable in this location and would not have an impact on the amenity of the wider area. The inclusion of sustainable design features such as photovoltaic panels will reduce the development use of non-renewable resources.
- 8.8 NPF 4 policy 26 Business and industry sets out to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses. Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported. Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. It is noted that the application site has been designated as an existing and strategic business development site (NLS00455) under policy PP 2A of the NLLDP. This site is also located within the site boundary of the approved Ravenscraig Regeneration Masterplan (detailed above) which designated the current application site as an 'Employment Area'. The proposed development of units suitable for Class 4, 5

& 6 use within the application site accords with policy 26 of NPF 4.

- 8.9 Based on the above assessment the proposed development complies with policies 3, 9, 13, 14, and 26 of NPF 4.

#### **North Lanarkshire Local Development Plan**

- 8.10 The application site is located within the wider Ravenscraig Regeneration Area under policy PROM LOC1 Regeneration Priorities. As detailed above this policy seeks to promote regeneration and sustainable growth with the physical regeneration of the existing urban area given priority. Furthermore, development proposals will require to take into account all Promote and Protect Policies and the council's Regeneration Priorities which include business and industry and the development of regeneration sites identified within the NLLDP. Given both the location of the proposed development and the uses proposed within the development, this application is consistent with the aims of this policy.
- 8.11 Policy PROM LOC2 advises that proposed business developments within an identified Strategic and Local Business Centres or site identified within the Industrial and Business Land Supply will be supported. The application site is designated as an existing and strategic business development site within the NLLDP. This site is referenced as NLS00455 as part of the Single User Campus Prospecthill Road. The use of this site for business and industry uses would therefore accord with PROM LOC2.
- 8.12 Policies PP 2A and AD 2A are relevant as both relate to development within Strategic Business Centres. This policy advises that Strategic Business Centres are of such a scale and location that they can accommodate a full range of Class 4 Business, Class 5 General Industrial and Class 6 Storage or Distribution uses. In terms of policy AD 2A, for these Classes of development no assessment of the amount of development is need. The proposed Class 4, 5 & 6 use proposed can be concluded to comply with both policies PP 2A and AD 2A. The applicant has advised that the proposed development is speculative with the end users still to be confirmed. It is noted that although policy PP 2A does allow for the introduction of a limited range of ancillary, any ancillary uses would need to be assessed to ensure that these uses are of an appropriate nature and scale. Given the speculative nature of the proposed development, it is considered that a condition restricting the use of the proposed development to Classes 4, 5 and 6 only should be attached to any permission, to limit any potentially adverse impact of a proposed ancillary use to be assessed.
- 8.13 The application site is further designated as being within the General Urban Area under policies PP 3 and AD 3. These policies seek 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 as well as assessing application depending on the proposed use (Class) and location of development. As detailed above the application site is an existing vacant brownfield with benefits from a location specific designation under policy PP 2. The proposed development would enable an existing vacant urban site to be developed which in in keeping with the General Urban Area policies.
- 8.14 With regards to policies EDQ 1 to 3, these three policies 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 policies 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 required.
- 8.15 More specifically in terms of policy EDQ 3, 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 proposed finishing materials for all units are also considered to be acceptable. Drawing 65171-28-001 P01 details both the existing ground levels and the proposed finished site levels for the proposed units and the wider development. A condition to ensure the implementation of the approved site levels will be included within any permission.
- 8.16 With regards to drainage, within permission 22/01464/FUL the construction of a SUDS basin and

drainage scheme was approved. It is noted that the location of the SUDS basin and foul and surface water drainage infrastructure approved under permission 22/01464/FUL has been amended and retrospective planning permission is being sought in relation to this amendment. The SUDS basin and foul and surface water drainage infrastructure for which retrospective permission is sought has been partially completed on site in accordance with the Scottish Water Technical Audit Reference DSCAS-00684-DXD and drawing 65171-33-001 P01.

- 8.17 With regards to landscaping and biodiversity, the proposed development includes a scheme of landscaping and biodiversity enhancements (detailed within drawings 61082-IFL-ZZ-XX-DR-L-00-001 P01, 61082-IFL-ZZ-XX-DR-L-00-002 P01, 61082-IFL-ZZ-XX-DR-L-00-003 P01), as well as detailed management and maintenance schedule has also been submitted. The council's Greenspace Development Service has advised that they are satisfied with the proposed landscaping and conditions requiring the full implementation of the submitted landscaping and planting scheme should be attached to any permission. A condition in relation to the management and maintenance of the development should also be attached. The applicant has submitted an Ecological Walkover survey as part of this application and the Greenspace Development Service has advised that a further pre-construction walkover survey should take place prior to further development on site.
- 8.18 In terms of the transportation and parking aspects of policy EDQ 3, the Roads Development Service has no objection to the proposed development and have provided comments in relation to parking provision, the proposed access onto the Ravenscraig Employment Spine Road and the development's internal road layout and junctions. To ensure the development is safe for vehicle, cyclists and pedestrians, conditions in relation to the visibility splays of the proposed access and internal junctions will be attached to any permission. With regards to parking provision, the applicant proposes to provide 118 parking spaces including 12 disabled parking spaces and 14 electric vehicle chargers. It is considered that although vehicle parking provision is included within the development, due to the application site's location, the users of the development will have opportunities for more sustainable modes of transport such as cycling (cycle parking and a 3m cycle path are proposed) and public transport. The application site is with short walking distance of public transport provision (bus stops) at the nearby Ravenscraig Sports Centre and New College Lanarkshire - Motherwell Campus which enables onward travel to Motherwell Town Centre, Wishaw, Wishaw Hospital, Shotts, Allanton and Harthill.
- 8.19 Policy EDQ 3 also includes the requirement for the assessment of and (where necessary) the mitigation of noise/air pollutants or pollution impacts caused either by the development or within the development site. NLC's Pollution Control has advised that whilst some site investigation and remediation information has been submitted, conditions relating to the submission of further site investigation information and the implementation and verification of remedial works should be attached to any permission. With regards to noise and air pollutants, the Pollution Control Service has reviewed the Air Quality Impact Assessment Scoping Report submitted with this application have confirmed that an Air Quality Impact Assessment is not required for the proposed development. NLC's Pollution Control has also advised that they have no noise pollution concerns and a Noise Impact Assessment is not required.
- 8.20 The applicant has submitted a Sustainability and Energy Statement as part of this application which details as to how the applicant intends to address the sustainable design and construction of the proposed development. It is noted that the applicant intends to utilise renewable energy sources such as photovoltaic panels as part of the development. As detailed above the application has also incorporated facilities for electric vehicle charging as part of the proposed development.
- 8.21 As it is considered that the proposed development is complies with development plan policy and in particular policies 3, 9, 13, 14, and 26 of NPF 4 and policies PROM LOC1, PROM LOC2, Strategic Business Centres policies PP 2A and AD 2A, General Urban Area policies PP 3 and AD 3, EDQ 1 and EDQ 3 of the North Lanarkshire Local Development Plan 2022, this application should be approved in accordance with Section 25 unless there are any other material considerations that suggest it should be refused.

### **Material Considerations**

- 8.22 The revised Ravenscraig Masterplan (permission 18/00463/PPP) was approved in November 2020 and sets out a masterplan for the regeneration of Ravenscraig including designating specific area of land for different uses. The revised Ravenscraig Masterplan as approved designated the application site as part of an Employment/Retail Area. The approved Masterplan also including proposals for the

publication of Area Planning Brief for each development area. As part of the previous Masterplan five Area Planning Briefs (APB) had been produced and approved by the council. To ensure the production of these APBs a condition (condition 5) was attached to permission 18/00463/PPP which required the submission and approval of APBs prior to the submission of any Matter Specified by Conditions application.

- 8.23 An APB for the Employment Area of the Ravenscraig Masterplan (Ravenscraig Masterplan, Employment Area - APB 6) was submitted for approval in May 2024 which set out options for the development of the area designated as for Employment within the approved Masterplan. The application site is located within this designated area. The APB set out proposals for the development of this area including a preferred option for the layout of development, landscaping, and road infrastructure. APB 6 was approved on 30<sup>th</sup> July 2024 and is now a material consideration in the determining of planning application within the Ravenscraig Masterplan, Employment Area. APB 6 is available to view online via the council's website <https://eplanning.northlanarkshire.gov.uk/online-applications> as part of the documentation for permission 18/00463/PPP.
- 8.24 It is considered that the proposed development is consistent with the preferred development layout detailed within APB 6 and will integrate well with the local area. The development as proposed would not adversely impact the application site or the ability to development other areas of the wider Ravenscraig Masterplan, Employment Area.

## **9. Conclusions**

- 9.1 To conclude, the proposal is considered acceptable in terms of the development plan and meets the criteria set out within policies PROM LOC1, PROM LOC2, PP 2A and AD 2A, PP 3 and AD 3, EDQ 1 and EDQ 3 of the North Lanarkshire Local Development Plan 2022. The proposed Class 4, 5 and 6 development can be incorporated within this designated regeneration and strategic business area without having a detrimental impact on the character and amenity of the site and wider area.
- 9.2 The proposed development also complies with policies 3, 9, 13, 14, and 26 of NPF 4 as it utilises and are of vacant land, providing opportunities for landscaping and biodiversity enhancement, sustainable travel and investment within the application site and wider Ravenscraig area.

**Application No:**

24/00598/FUL

**Proposed Development:**

Erection of industrial warehouse and distribution yard with access and parking arrangements, landscaping and ancillary works.

**Site Address:**

Land North Of  
Belgowan Street  
Bellshill Industrial Estate  
Bellshill

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**Date Registered:**

12th July 2024

**Applicant:**

Knight Property Group  
62 Queens Road  
Aberdeen  
AB15 4YE

**Agent:**

Ryden  
Onyx  
215 Bothwell Street  
Glasgow  
G2 7ED

**Application Level:**

Local Application

**Contrary to Development Plan:**

No

**Ward:**

15 Bellshill  
Angela Campbell, Pat Patton, Lisa Stubbs, Anne  
McCorry,

**Representations:**

16 letter(s) of representation received.

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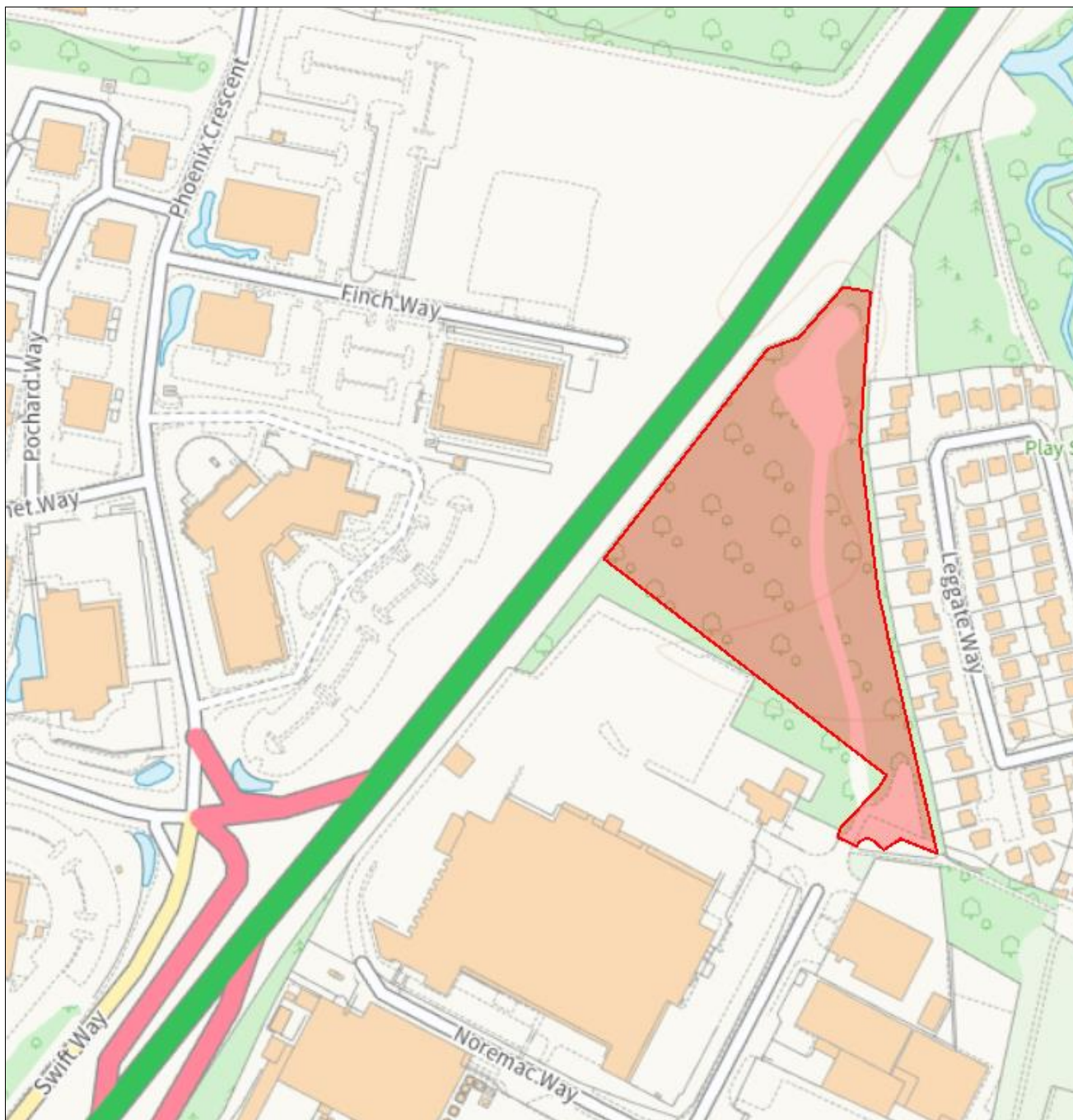
**Recommendation:**

**Approve, Subject to Conditions**

**Reasoned Justification:**

The proposal shall lead to the development of an existing zoned industrial site within an established industrial zone. The proposal area is considered acceptable in terms of the criteria set out in the relevant policies, PP2A (Strategic Business Centres), AD2A (Amount of Development) and policies EDQ 1-3 of the North Lanarkshire Local Plan 2022. The proposed development, given appropriate mitigation measures, is unlikely to significantly adversely affect the surrounding housing, industrial and business areas.





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**Planning Application: 24/00598/FUL**  
**Name (of applicant): Knight Property Group**  
**Site Address: Land North Of Belgowan Street**  
**Bellshill Industrial Estate**  
**Bellshill**

**Development: Erection of industrial warehouse and distribution yard with access and parking arrangements, landscaping and ancillary works.**



### **Proposed Conditions:-**

1. That, except for the requirements of conditions below or as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers;

159950/9001, 24310-WWL-XX-XX-DR-E-97001, A-200 H, A-700 D, A-701 C, A-720 C, A\_210 A, A\_211 A, A\_220 A, A\_230, A and A\_710 A.

**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 ensure that 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 that the site is free of contamination.

4. The land which is the subject of this permission shall be used for Class 4 or Class 6 and for no other use of the Town and Country Planning (Use Classes) (Scotland) Order.

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

5. No operations of any kind shall be permitted on the application site between the hours of 11pm and 7am.

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

6. That before work commences on site, detailed design criteria for the noise mitigation measures proposed in the NIA report by Airshed and the subsequent emails with supplementary information dated 25<sup>th</sup> & 30<sup>th</sup> September 2024 require to be submitted to and approved by the Planning Authority in consultation with NLC Protective Services department including the materials to be used and the acoustic performance of the following items;

- a) Barrier between the access road and the gardens of the residential properties on Leggate Way
- b) Externally sited plant
- c) Loading bay door surrounds

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

7. Prior to the occupation of the site, the following noise mitigation measures shall be installed in accordance with the details approved under condition 6 above, and the performance of each will be validated and certified by a suitably qualified individual who is a member of the Institute of Acoustics and/or a member of the Association of Acoustic Consultants and this certification will be submitted to the planning authority.

- a) Barrier between the access road and the gardens of the residential properties on Leggate Way;
- b) Externally sited plant; and
- c) Loading bay door surrounds

This requirement shall be as per the details required in condition 6 require to be validated

**Reason:** To enable the Planning Authority to retain effective control, in order to provide suitable acoustic barrier and protect the amenity of nearby dwelling houses.

8. It has been stated that no plant or refrigeration units are proposed for these units. If the applicant decides to install such plant in the future these must be placed on west side of building facing the A725 so that the building itself will provide a barrier between the noise source and the residential receptors. In addition, the combined plant noise associated with the completed development should not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 30 between 07.00 hours and 23.00 hours and N.R.C. 25 at all other times.

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

9. That before the development hereby permitted starts, unless otherwise agreed in writing by the Planning Authority; the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water have been fully met in respect of providing the necessary site drainage infrastructure to serve the development.

**Reason:** To ensure the provision of satisfactory site drainage arrangements.

10. That before the development hereby permitted is completed, all the pedestrian accesses, footways, parking and manoeuvring areas, including servicing areas shown on the plans approved under conditions 1 above, 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 for the approved purpose.

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

11. 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.

12. Prior to 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. All landscaping shall be located such that it can be installed and maintained from within the development, without requiring access to the trunk road.

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

13. Prior to commencement of the development, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development, without requiring access to the trunk road.

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

14. There shall be no drainage connections to the trunk road drainage system.

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

15. That BEFORE the development hereby permitted starts, unless otherwise agreed in writing with the Planning Authority, full details of the proposed surface water drainage scheme shall be submitted to the said Authority and shall be certified by a chartered civil engineer as complying with the most recent SEPA SuDS guidance.

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

16. That the SuDS compliant surface water drainage scheme required under Condition 15 above shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three

months of the construction of the SuDS and before the development hereby permitted is brought into use, a certificate (signed by a Chartered Civil Engineer) shall be submitted to the Planning Authority confirming that the SuDS has been constructed in accordance with the relevant SEPA guidance and the certified 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 users within the development site.

17. 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, grass seeding and turfing;
- (b) a scheme of hedgerow planting in the southern portion of the site; and
- (c) a timetable for the implementation of these works contemporaneously with the development.
- (d) details of any further bio-diversity improvement schemes such as Bat & Bird Boxes, a 'Rain Garden', 'Green Roofs' and utilisation of the vertical structures to create 'Living Walls' as recommended in the Ecology Officers consultation response.

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

18. That BEFORE the development hereby approved is occupied, all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of condition 18 above, shall be completed; and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased within two years of the completion of the development, shall be replaced within the following year with others of a similar size.

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

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 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 interest of the amenity of the site and the general area.

20. That before any works start in relation to the external lighting and floodlighting to be used throughout the development, full details of all such lighting shall be submitted to and approved in writing by the Planning Authority. The lighting shall be designed to minimise the upwards spread of light near to and above the horizontal. Glare shall be kept to a minimum by ensuring that the main beam angle of all lights directed towards any potential observer is not more than 70° once agreed the lighting shall be implemented in accordance with the details approved under the terms of this condition.

**Reason:** To safeguard the amenity of the local environment and nearby communities.

### **Background Papers:**

### **Consultation Responses:**

Transport Scotland  
Traffic & Transportation  
Environmental Health (including Pollution Control)  
Food Safety / Business Regulations

30<sup>th</sup> July 2024  
6<sup>th</sup> August and 25<sup>th</sup> September 2024  
14<sup>th</sup> August, 16<sup>th</sup> September and 3<sup>rd</sup> October 2024  
5<sup>th</sup> August 2024

### **Contact Information:**

Case officer Colin Bradley at [Planningenquiry@northlan.gov.uk](mailto:Planningenquiry@northlan.gov.uk) or 01236 632487

### **Report Date:**

4<sup>th</sup> October 2024

## **APPLICATION NO. 24/00598/FUL**

### **REPORT**

#### **1. Site Description**

- 1.1 The parcel of ground is triangular in shape measuring some 19,500m<sup>2</sup> and is intended to be accessed from Belgowan Street in Bellshill Industrial Estate, Bellshill.
- 1.2 The parcel of ground is bound by A725 Bellshill Bypass immediately adjacent to the west and 'The Oval' housing estate in particular Leggate Way, to the east with the Bellshill Industrial Estate bounding the site to the south.
- 1.3 The wider area includes the Bellshill Industrial Estate, immediately adjacent to the south, and the wider Righead Industrial Estate and Strathclyde Business Park both of which are located directly across the A725.

#### **2. Proposed Development**

- 2.1 It is intended to build a single storage and distribution unit on the site measuring 6,147m<sup>2</sup> in total. This is a revised design for the site after permission was granted, on appeal (Ref No PPA-320-2162), for two separate storage and distribution units. These previously approved buildings comprised 'Building One', located to the north which had a gross floor area of 4,843m<sup>2</sup> and 'Building Two' which had a gross floor area of 2,099m<sup>2</sup>. (6,942m<sup>2</sup> in total.) This previous permission is still extant and so could be built out as such the development of the site for an industrial / business use has been established.
- 2.2 This proposal features an access road, 38 parking spaces for private cars, including 2 disabled bays, one of which features electric vehicle charging along with 3 further electric vehicle charging car parking spaces. The site plan further details 24 cycle parking spaces.
- 2.3 The site also features a detached bin store immediately adjacent to the north elevation and an external 'picnic' area for employees of the building.
- 2.4 The 'yard' area on the northern elevation/part of the site features parking for 15 HGV units and sufficient space to allow a 'sweeping turn' of an HGV unit without requiring using a reverse gear. There are 10 HGV loading docks located on the North elevation of the building which shall feature 'loading shrouds' to prevent weather ingress and noise egress to/from the building along with two vehicle doors to either side of this bank of 10 HGV docking doors. There are also 3 pedestrian access / egress doors in this elevation and a further 5 pedestrian access egress doors to the southern elevation.

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

- 3.1 The applicant has provided the following reports alongside a full suite of drawings:

- Supporting Planning Statement;
- Design and Access Statement Final;
- Drainage Assessment;
- Indicative Energy Strategy;
- Noise Impact Assessment;
- Transport Statement;
- Preliminary Environmental Assessment Report, and
- Site Investigation Report.

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

- 4.1 Relevant site history is as follows:

- 04/01414/OUT Residential Development – Withdrawn Prior to Committee (recommended for refusal on grounds of Non-Conforming Use.)
- 21/00252/PAN 2 warehouses (not exceeding 7,500M2 combined) with car parking and distribution yard, comments given 3<sup>rd</sup> March 2021.
- 21/00896/FUL Erection of 2No. Industrial Warehouses with Car Parking and Distribution Yard,

refused at Committee, (24<sup>th</sup> February 2022) overturned through appeal (ref no. PPA-320-2162) on the 7<sup>th</sup> October 2022.

- 21/01453/ADV Advertisement for Two Industrial Units (In Retrospect) – granted 14<sup>th</sup> November 2022 by delegated powers.

4.2 Planning application 21/00896/FUL was reported to committee with a recommendation for approval on the 24<sup>th</sup> February 2022. The Committee did not accept the planning service's recommendation and instead decided to refuse the application. The applicant, Clowes, subsequently successfully appealed the decision to the DPEA and this was granted on the 7<sup>th</sup> October 2022, (Ref No PPA-320-2162). As such, the site benefits from an extant planning permission which may be 'built out' without further input from the Planning Service beyond the purification of conditions.

4.3 An initial round of Neighbour Notification was undertaken on the 22<sup>nd</sup> of July 2024 with a closing date of 12<sup>th</sup> August 2024. Initially no responses were received within this time frame which, given the level of public interest in the previous application, caused the Planning Service to seek confirmation as to whether the neighbour notification letters had been received. It was confirmed that no neighbour notification letters had been received and as such a further round of notification was undertaken on the 20<sup>th</sup> August 2024 with a closing date of 10<sup>th</sup> September 2024. All the comments have been received following this second round of neighbour notification.

4.4 The application was also publicised in the local press on the 31<sup>st</sup> July 2024. It is the opinion of the Planning Service that proper procedure has been carried out and all qualifying neighbours have been alerted to the application with the correct amount of time to respond.

## **5. Development Plan**

5.1 The site sits within a 'Strategic Business Centre and is cover by policies 'PP 2A – Purpose of Place' and 'AD 2A Amount of Development' in the North Lanarkshire Local Development Plan 2022. All development is required to be assessed against the Environmental Design Qualities policies, EDQ 1-3 also.

5.2 The site is also subject to National Planning Framework 4 and of relevance are Policy 3 – Biodiversity, Policy 9 – brownfield, vacant and derelict land and empty buildings and Policy 26 – Business and Industry.

5.3 The impacts of the policies identified above shall be examined in the planning assessment stage of the report in section 8.

## **6. Consultations**

6.1 **NLC Protective Services** have reviewed the package of information supplied by the applicants and have concluded that the proposed development may be accommodated at the proposed site, without significant detriment to surrounding land uses, subject to conditions. These conditions relate to limiting the Use Class of the proposed buildings to exclude General Industry (Use Class 5) and limiting hours to prevent any works or activity between the hours of 11:00pm and 7:00am. Mitigation measures are also required to limit the impact to neighbouring dwelling houses on Leggate Way which include the installation of a 2m tall acoustic barrier fence to the access road and noise shielding canopies to the loading areas of each of the industrial units. A requirement that any plant be installed to the western side of the buildings adjacent to the A725 in order that the units themselves act as a barrier to any noise generated by the plant. These matters are covered in the recommended planning conditions. An informative has also been requested to be included in any positive determination with regards to this application.

6.2 **Transport Scotland** have been consulted with regards to this application and although not objecting to the proposal have requested that certain conditions be imposed if planning permission is granted. These conditions focus on the siting of any proposed lighting, drainage and barriers to the trunk road. Although this response does not specifically mention any landscaping along the boundary with the A 725 Bellshill Bypass, this was requested with regards to the last application and as such this shall also be included along with the previous requested conditions within this report.

6.3 **NLC Traffic & Transportation** have reviewed the Traffic Assessment submitted as part of the application and are satisfied that the proposed development can be granted without detriment to the

existing road networks in the immediate vicinity. The review recommends that the access road should be designed in such a way as to allow the footway on the west side of the proposed access leading into the site should be extended southwards on Belgowan Street to connect to the existing footpath network. A further recommendation for visibility splays of 2.5m x 60m should be provided from the carpark access egress point to the internal roadway.

- 6.4 **NLC Food Safety / Business** Regulations stated that the applicant and any third-party traders associated with or working from the premises must comply with the provisions of the Health & Safety at Work etc Act 1974 and The Food Hygiene (Scotland) Regulations 2006 at all times. These requests have been added as an informative to the application.

## **7. Representations**

- 7.1 Letters of representation have been received from 15 separate addresses, all seeking to object to the proposal. Alongside these objection representations from individuals, the Planning Service received an objection comment from Mr Frank McNally MP and Mr Mark Griffin MSP wrote confirming that he wished his name to be added to the same objection comment. A further objection comment was received from Ms Stephanie Callighan MSP. These representations raised a total of 22 issues and the following paragraphs shall deal with each of the issues raised.

- 7.2 It is important to recognise that the development of this site for industrial purposes has been established through the granting of appeal reference PPA-320-2162 on the 7<sup>th</sup> October 2022. This extant permission may be built out without further input from the Planning Service beyond purification of conditions. Regardless of this, all comments received in relation to this application shall be examined in the following paragraphs.

- 7.3 **Comment:** The Objection comments submitted to application reference 21/00896/FUL should be transferred across and applied to this application.

**Response:** There is no legislative mechanism through which objection comments made with regards to one application may be transferred to a different application even although they relate to the same parcel of land. The two applications are distinct, both in design, and in the applicant and their desires to develop the land in a certain way, it is considered that the impacts of the two different applications would have separate and distinct impacts to each of the objectors. Therefore separate and updated representations are required.

- 7.4 **Comment:** Insufficient Notice/lack of consultation. The developer and the council have not given sufficient notice of the proposed development and due to the non-delivery of the Neighbour Notification Letters.

**Response:** The planning service considered it odd that representations were not forthcoming following the initial neighbour notification exercise and that there may have been an issue regarding the issuing of neighbour notification letters. This suspicion was confirmed to us by a colleague from NLC Protective Services who had spoken to a local resident whilst carrying out an unrelated separate Council function. The Planning Service then undertook its own enquiries and despite our records showing that the neighbour notification had been undertaken successfully, we were able to confirm that no such letters had been received by residents next to the site. Therefore, a further round of notification was undertaken on the 20<sup>th</sup> August 2024 with a closing date of 10<sup>th</sup> September 2024. The application was also publicised in the local press on the 31<sup>st</sup> July 2024. It is therefore considered sufficient time has been provided to evaluate the potential impacts of the proposed development by interested parties and for their comments to be submitted.

- 7.5 **Comment:** Incorrect Boundary. The initial Location Plan and Site Plan were inaccurate and did not show a strip of ground immediately adjacent to the rear curtilage of the dwelling houses on Leggate Way. There is a strip of land which was held in common by the homeowners and not by the applicants.

**Response:** Initially within the original application, (21/00896/FUL) had shown the boundary immediately adjacent to the rear curtilage of the dwelling houses in this location however, as soon as it was established that the location plan and site plan were not correct, revised drawings were requested of, and submitted by, the applicants. It is considered that the current application, (24/00598/FUL), drawings are a true representation of the parcel of land for which permission is sought. It is not for the planning service to resolve any further issues pertaining to the precise boundary as this would constitute a private legal matter between the applicants and the homeowners



on Leggate Way.

- 7.6 **Comment:** Noise associated with use/HGV vehicle movements would result in noise levels that would create disturbance to the residents of the dwelling houses located adjacent to the development site. Precise comments include noise emanating from the following sources: traffic running parallel to the residential area, loading bays, forklift movements, reverse alarms, idling in the yard, fixed plant, breakout from the warehouse and workers. Comment was also made on existing complaints in relation to the existing industrial estate and the A725 Bellshill Bypass.

**Response:** The introduction of a single industrial unit as opposed to the approved two industrial units, is considered by the Planning Service to present a different acoustic profile and likely to impact on the different acoustic receptors (dwelling houses). NLC Protective Services have reviewed the submitted Noise Information and determined that, subject to suitable mitigation, the proposal can be accommodated onto site without detriment to residential amenity. With regards to each individual element of the objection comments received, the planning service would offer the following responses;

i. Traffic running parallel to residential area

An acoustic barrier fence has been proposed at a height of 2m which shall provide sufficient screening to the dwelling houses so as not to cause an acoustic disturbance to the dwelling houses. A planning condition has been included to ensure that the acoustic fence shall be constructed from sufficiently robust materials and be of sufficient effective barrier height to meet the requirements outlined in the applicant's Noise Impact Assessment report.

ii. loading bays

Each individual loading bay dock door shall have a weather shield to envelope the rear loading doors of the trailers which shall have the effect of not only providing a weatherproof shield for the loading and unloading of the trailers but also acoustic barrier to the internal environment of the warehouse itself.

iii. forklift movements

Forklift movements were specifically examined in a follow up document requested by NLC Protective Services. It was discovered that the forklift movements were recorded as being 20dBA below the background level. As such, it is not considered that forklift movements shall present a significant issue with regards to residential amenity.

iv. reverse alarms

An informative has been added to this permission suggesting that broadband directional alarms should be fitted to vehicles using the yard area so that the alarms target the immediate danger area directly behind the vehicles. It is not possible to have this as a condition as neither the applicant nor the council have control over the independent hauliers that may be required to use the yard. Furthermore, the yard space is of sufficient size that articulated vehicles shall have sufficient space to enter and exit the yard area in a forward gear without having to engage a reverse gear.

v. idling in the yard

The proposed acoustic barrier fence would provide acoustic comfort to the dwelling houses to the west of Leggate Way. It shall also be possible for the operator to introduce a 'no-idling' policy for the yard area.

vi. fixed plant

A planning condition has been recommended with regards to the fixed plant requiring the externally sited Air Source Heat Pumps to be enclosed in suitable acoustic casings and any refrigeration plant (not currently intended to be sited on the unit), to be located to the west side of the building facing the A725 Bellshill Bypass This is to allow the building itself to act as a noise insulator from these plant units if they are ever intended to be introduced. A planning condition shall be introduced to ensure that the plant associated to the development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in



excess of the equivalent to Noise Rating Curve (N.R.C.) 30 between 07.00 hours and 23.00 hours and N.R.C. 25 at all other times.

vii. breakout from the warehouse and workers

Each individual loading bay dock door shall have a weather shield to envelope the rear loading doors of the trailers which shall have the effect of not only providing a weatherproof shield for the loading and unloading of the trailers but also acoustic barrier to the internal environment of the warehouse itself.

viii. existing industrial estate and the A725 Bellshill Bypass

It is only possible to consider the noise impacts associated with the development being proposed. Whilst the applicant's noise assessment will reflect existing background noise, concerns regarding noise from other industrial premises and the A725 Bellshill Bypass should be raised separately with NLC Protective Services.

7.7 **Comment:** Alternative Sites. The local area includes many industrial / business areas which feature empty plots and vacant units which may be utilised rather than developing the plot in question.

**Response:** The Planning Service can only deal with the applications submitted to them and this is an allocated industrial business site which benefits from permission for 2 industrial units (PPA-320-2162).

7.8 **Comment:** Road Safety. Granting permission shall lead to an increase in traffic levels directly associated to the development and additional stress shall be placed on the residential streets through employee parking.

**Response:** NLC Traffic and Transportation have been consulted with regards to this application (details of their response is detailed at para 6.3 above). Their findings show that access to and egress from the site may be conducted without detriment to road safety. The department are similarly content that sufficient onsite parking has been provided to accommodate employees of the industrial units in line with current guidance.

7.9 **Comment:** Air Pollution. The development, if permitted, shall lead to a degradation in the air quality in the immediate vicinity.

**Response:** NLC Protective Services have been consulted with regards to this application and their consultation response (available at para 6.1 above) has determined that there shall be no significant impact to air quality in the immediate vicinity as a direct result of this development proposal.

7.10 **Comment:** Sunlight / Daylight. The overall scale and massing of the proposed industrial units shall lead to a reduction in the levels of sunlight / daylight available to the rear curtilage and dwelling houses located on Leggate Way.

**Response:** The scale and massing of the proposal shall not have a significant or detrimental impact to the amount of Sunlight / Daylight to the dwelling houses due to the considerable distance between the proposed building and the existing dwelling houses. This is further borne out by the 45° test (associated to sunlight) which reveals that there shall be no impact to the dwelling houses located on Leggate Way. With regards to Daylight, the standard test is a 25° test which requires that a cross-section be drawn straight out from the centre point of the lowest windows on the lowest levels of the existing houses until it passes the proposed development. A line which rises at a 25° angle should be drawn until it passes over the proposed development. In this instance the applicant has provided a detailed drawing showing that the closest two dwelling houses to the industrial unit (numbers 15 & 17 Leggate Way) pass this test indicating there will be no impact on daylighting.

7.11 **Comment:** Light Pollution. The development shall lead to disturbance to the dwelling houses on Leggate Way by means of fixed lights and vehicular movements.

**Response:** It is considered that the precise siting of lights attached to the building may be designed in such a way that they would not directly shine into any of the dwelling houses on Leggate Way. This shall be controlled through the use of a planning condition attached to this recommendation. With regards to the light pollution from vehicles it is considered that there are a variety of mitigation strategies that may be employed to prevent lights directly affecting dwelling houses and the acoustic

fence will assist to a degree.

- 7.12 **Comment:** Environmental Concerns including wildlife and woodland. Developing the site would result in the loss of natural habitat for a wide range of animals, (including Bats, Badgers, Deer, Rabbits, Hedgehogs and Eagles) and there shall be a net loss of ecology in the way of trees and small shrubs.

**Response:** NLC Greenspace have previously been consulted with regards to this planning application site, (their response is available at point 6.4 of the report associated to application reference 21/00896/FUL) and was welcomed by the Ecology Officer. Their response however pointed out areas of the design that may accommodate further bio-diversity gain to the site and it is intended to carry this over to this report by way of a Planning Condition.

- 7.13 **Comment:** Privacy / Overlooking. The development shall result in a loss of privacy to both the private garden areas and internal bedrooms of the dwelling houses located to the west of Leggate Way by means of drivers in raised cabs passing along the rear of the garden areas of the houses on Leggate Way.

**Response:** Although there shall be an increase in activity to the site, it is not considered that there shall be a significant or detrimental impact on the levels of privacy currently enjoyed by the dwelling houses due to the distances between the access road and the dwelling houses themselves. It is also possible for the homeowners to supplement their own, existing boundary treatment should there be a perception of intrusion into their own personal space. It is considered that drivers of the vehicles, in elevated positions, shall be engaged in an activity that shall prevent them from looking into the garden ground and windows of the dwelling houses.

- 7.14 **Comment:** operations may be carried out 24/7. The proposal shall be used 24 hours per day, 7 days per week which shall lead to disturbance to the residents of the adjoining housing estate.

**Response:** It is intended to limit the hours of operation through the deployment of a planning condition. The hours that are suitable for such a development have been determined in consultation with NLC Protective Services (para 6.1) and no activities shall be permitted between the hours of 23:00 and 07:00.

- 7.15 **Comment:** Devaluation of houses. The development shall lead to a loss in value of individual dwelling houses, particularly to Leggate Way.

**Response:** This does not constitute a material planning concern and as such it cannot be considered with regards to the determination of this application.

- 7.16 **Comment:** Loss of view. The development shall lead to a loss of views from the dwelling houses.

**Response:** There is no right to a view and as such this issue cannot be considered with regards to the determination of this planning application. It is noted that the development will alter the character and setting for existing residents but not to such an extent as would justify refusing planning permission.

- 7.17 **Comment:** Hazardous Material Storage. As the proposed industrial units are speculative builds there is no knowledge of what materials may be stored there.

**Response:** Any materials intended to be stored on site shall be subject to specific health and safety legislation such as the Control of Substances Harmful to Health (COSHH). Therefore, this does not constitute a material planning consideration with regards to this recommendation.

- 7.18 **Comment:** Risk of Fire / Explosion. Following on from a fire which affected an industrial unit in the wider Bellshill Industrial Estate concerns as to the possibility of a fire have been raised.

**Response:** It is for NLC Building Standards and Scottish Fire and Rescue to ensure that suitable warning and fire safety measures are in place.

- 7.19 **Comment:** Over Development. The site will be over developed should permission be granted.

**Response:** Whilst this proposal will see the site being developed in a different way to the development allowed by the extant planning permission, it is an acceptable development. The site is of sufficient

size to accommodate the building, the access road, required parking and the yard area whilst at the same time allowing space for landscaping and biodiversity measures to be undertaken.

- 7.20 **Comment:** Character of the area, (density and layout). The proposed industrial building shall appear incongruous within the wider street scene.

**Response:** This is a subjective matter however when the development is viewed from Belgowan Street it is considered that the aesthetics of the building would not have a significant or detrimental impact on the street scene in this area. When viewed from Leggate Way, the change in style of building shall demarcate the difference between the land uses in this area i.e. industrial and residential.

- 7.21 **Comment:** Vibration. The proposal shall introduce vibration to the dwelling houses by virtue of the HGV's that shall be utilising the access road.

**Response:** The Protective Services department of NLC did not deem the potential for vibration significant enough to request a Noise and Vibration Impact Assessment with regards to this development.

- 7.22 **Comment:** Contrary to Policy DSP4 3(f). "Development will only be permitted where high standards of site planning and sustainable design are achieved. Where appropriate, proposals will need to demonstrate that: the proposed development takes account of the site appraisal and any evaluation of design options and achieves a high-quality development in terms of integrating successfully into the local area and avoiding harm to the neighbouring amenity by relating well to the existing context and avoiding adverse impact on existing or proposed properties through overlooking, loss of privacy or amenity, overshadowing, or disturbance."

**Response:** This policy was applied to the previous application and the Local Development Plan has since been updated in 2022. The equivalent policies within the current plan are the Environmental Design Quality Policies EDQ 1-3 which are discussed in points 8.8 - 8.10 of this report. It is concluded that the proposal accords with the principles of policies EDQ 1-3 of the North Lanarkshire Local Plan (2022).

- 7.23 **Comment:** Better potential uses for the land and has been 'greenspace' for 100 years+.

**Response:** The Planning Service can only deal with the applications submitted to them and this is an allocated industrial business site, albeit that it has not previously been developed.

- 7.24 **Comment:** The Oval is becoming part of the Industrial Estate

**Response:** It is considered that the residential zone and the Industrial zone shall still be clearly identifiable as supporting different land uses. The proposed development shall be accessible for vehicles, HGV's, LGV's and Private car, only from Belgowan Street and not from Hattonrigg Road which is the principal access point to 'The Oval' housing estate. The pedestrian access from The Oval housing estate to the Bellshill Industrial estate shall remain un-impeded by this proposed development.

- 7.25 **Comment:** Planning Permission for residential development on the application site was previously refused. Considerations highlighted in the relevant committee report relate to the unacceptable noise impacts on the proposed houses from road and industrial sources. In addition, the road layout serving the proposed residential development itself was considered to have an impact on existing adjacent residents.

**Response:**

Planning Application reference 04/0414/OUT was made by Persimmon Homes (West) Scotland. Whilst the comment above may have been a material consideration in the assessment of that proposal, the actual reasons for refusal were based on the policy in place at that time:

1. "The proposal is contrary to policy IND 10 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004), in that there is no specific locational requirement for the proposal and there are suitable alternative sites for residential development.",
2. ;"The proposal is contrary to policy IND 8 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004), which seeks to safeguard existing uses and support the development

of Industry and Business where appropriate.” And

3.“ The proposal is contrary to the Bellshill and Mossend Local Plan Policy I1 which states that industrial development will be concentrated on the Righead and Bellshill Industrial Estates.”

In any event, the planning application was withdrawn prior to the Committee Meeting on the 13th April 2005 and as such this application was not determined.

## **8. Planning Assessment**

- 8.1 Under Sections 25(1) (a) and 37(2) 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.

### **National Planning Framework 4;**

- 8.2 NPF 4 is of relevance, particularly with regards to Policy 3 – Biodiversity, Policy 9 – Brownfield, vacant and derelict land and empty buildings and 26 – Business and Industry.
- 8.3 NPF Policy 3 has the stated aim of including appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. It goes on to state that measures should be proportionate to the scale and nature of the development. delivering positive effects from the development and strengthen nature networks. The applicant has submitted a Biodiversity Enhancement plan which features details on the biodiversity enhancement opportunities, a green roof on the bicycle shelter, bird and bat boxes, insect towers and swift nesting columns are examples of bio-diversity enhancements included within the design.
- 8.4 NPF Policy 9, Brownfield, vacant and derelict land and empty buildings states that support will be given to the development that will result in the re-use of brownfield land including vacant and derelict land and buildings, whether temporary or permanent, while taking into account the biodiversity value of the brownfield land that has naturalised holds. As detailed above, bio-diversity enhancements are proposed.
- 8.5 Policy 26 of NPF 4, Business and Industry states that “*Development proposals for business and industry uses on sites allocated for those uses will be supported*”. In this instance the proposed site is on an allocated business site (reference NLS00054). The policy further states that the impact on surrounding residential amenity must be taken into account and this has been done.
- 8.6 It is considered that this proposal has complies with Policy 3, Biodiversity, Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 26, Business and Industry, of National Planning Framework 4. In order to ensure this compliance, it is intended to impose planning conditions requiring the submission of landscaping scheme including biodiversity measures.

### **Development Plan: North Lanarkshire Local Plan (2022);**

- 8.7 The site sits within a ‘Strategic Business Centre and is cover by policies ‘PP 2A – Purpose of Place’ and ‘AD 2A Amount of Development’ in the North Lanarkshire Local Development Plan 2022. Policy PP2A seeks to encourage large scale business users to locate within the Strategic Business Centres and safeguard their character from dilution by other inappropriate uses and support upgrading of premises, amenities, access, parking and greenspace. Policy AD 2A states that there is no assessment of amount of development is required for use classes 4 – Business, 5 – General Industry and 6 – Storage and Distribution. This development proposal accords with both policies PP 2A and AD 2A.
- 8.8 The North Lanarkshire Local Plan also requires proposed developments to be assessed against the Environmental Design Qualities policies, EDQ 1-3 also. With regard to EDQ 1, there is a requirement to appraise the site and its surroundings to ensure it will integrate successfully into the local area and avoid harm to neighbouring amenity. This section of the report is dedicated to appraising how the proposal integrates into its surroundings.
- 8.9 Policy EDQ 2 considers the impact of the proposed development in terms of hazardous zones and other specific features. It is considered that this policy is not of relevance with regards to this application.

- 8.10 Policy EDQ 3 seeks to provide a high standard of site planning and sustainable design are achieved. This policy sets out criteria and requirements in this respect which include; character and setting, integration into the local area, impact on traffic circulation and local roads network and avoiding harm to the neighbouring amenity. When assessed against the terms of policy EDQ 3, it is considered that the re-purposing of the vacant industrial site, benefitting from an extant permission, can be integrated successfully into the surrounding area without detriment to the amenity of the existing industrial and business areas and, with appropriate mitigation, without detriment to the residential area adjacent.
- 8.11 It is considered that the proposal accords with the principles of the North Lanarkshire Local Plan (2022).

### **Material Planning Considerations:**

- 8.12 **Existing permission:** The application site benefits from existing Planning Permission for the development of "21/00896/FUL Erection of 2No. Industrial Warehouses with Car Parking and Distribution Yard" through the granting of application reference 21/00896/FUL, (at appeal, reference PPA-320-2162). This application is seeking to alter the design of this approved application to feature a single industrial unit with a smaller overall footprint, (6,147m<sup>2</sup> as opposed 6,942m<sup>2</sup>). The proposed site is identified in the current plan as being within the Business Centres Area and relevant policy is General Urban Area PP 2A (Strategic Business Centres). It is considered that the proposed use complies with the current local development plan and benefits from an extant permission and this forms a material consideration in the determination of this application.
- 8.13 The parcel of ground is accessed via Belgowan Street in the Bellshill Industrial Estate and is bound to the west by A725 Bellshill Bypass and 'The Oval' housing estate, in particular Leggate Way, to the east. The wider area includes the Righead Industrial Estate and Strathclyde Business Park, both of which are located directly across the A725 Bellshill Bypass.
- 8.14 The proposal features a single industrial unit, an access road, 38 parking spaces for private cars, including 2 disabled bays, one of which features electric vehicle charging along with 3 further electric vehicle charging car parking spaces. The site plan further details 24 cycle parking spaces, a detached bin store immediately adjacent to the north elevation and an external 'picnic' area for employees of the building.
- 8.15 The 'yard' area to the northern aspect of the site features parking for 15 HGV units and sufficient space to allow a 'sweeping turn' of an HGV unit without requiring using a reverse gear. There are 10 HGV loading docks located to the North elevation of the building which shall feature 'loading shrouds' to prevent weather ingress and noise egress to/from the building along with two vehicle doors to either side of this bank of 10 HGV docking doors. There are also 3 pedestrian access / egress doors in this elevation and a further 5 pedestrian access egress doors to the southern elevation.
- 8.16 **Impact on residential properties:** For the properties closest to the building, (15 & 17 Leggate Way), it is acknowledged that their outlook will alter (going from an open outlook to looking onto a building) but having asked for the relevant test to be carried out, the building will be unlikely to have a substantial impact on daylighting for these properties. As the daylighting test is passed this is also considered to show that, whilst the building will clearly alter the outlook from the closest houses, the proposed building is not considered to be so overbearing as to require a redesign. It was suggested that the impact of the building could be lessened more by lowering the corner of the building closest to the properties (where the office is located) perhaps making that element double storey but the applicant was reluctant to do this when the submitted design passes the relevant daylighting test. The applicant has however relocated the building 1m further away from the dwelling houses which improves the situation. Numbers 15 & 17 Leggate Way sit some 31m from the corner of the building (under the revised siting) and as you move either north or south from these two addresses the proposed industrial unit lessens in impact due to the increased distances between the unit and the dwelling houses. The buildings will not impact on sunlight given the path of the sun and the orientation of the building relative to the houses (it sits to the west of the houses).
- 8.17 The proposed boundary treatment for this application includes a palisade fence to the southern boundary, bounding on to the Bellshill Industrial estate and a trespass proof fence above a retaining wall to the western boundary with the A725 Bellshill Bypass. The most sensitive element of the boundary treatment is that running along the eastern boundary of the site providing a barrier between

the site and residential dwellings located to the west of Leggate Way in The Oval housing estate. A 2m acoustic barrier fence has been included in the proposal and, after review by NLC Protective Services, it has been concluded that this fence shall provide sufficient acoustic shield to protect residential amenity. A condition shall be applied requiring the precise design of all fences and walls to be submitted to, and approved by, the Planning Service. Furthermore, a condition shall be applied to the acoustic barrier fence requiring the final design to be signed off by an Acoustic Engineer as providing the required noise protection as identified in the Airshed Noise Impact Assessment report and subsequent follow up.

- 8.18 **Privacy / Overlooking:** It is not considered that the proposal shall present any issues pertaining to privacy and over looking due to the height of the boundary treatment and the distances between the unit and residential dwellings.
- 8.19 **Landscaping / Biodiversity:** This parcel of land is not of particularly high quality with regards to the bio-diversity opportunities with the ground previously being described as dense continuous scrub followed by semi-improved neutral grassland and bare ground. There are several well-established trees to the perimeter of the site however it is considered that these specimens are of negligible suitability for roosting bats with no potential roosting features identified, (as understood from a previous bio-diversity report with regards to the site). It is intended to retain any landscaping / greenspace out with that which is required for the development and to supplement this through tree planting, primarily along the eastern boundary, and introduce grass and flower planting to the landscaped areas. A green roof on the bicycle shelter, bird and bat boxes, insect towers and swift nesting columns are examples of bio-diversity enhancements included within the design. Furthermore, there is a woodland located to the northeast of the site which links into the green-belt and the North Calder Water SINC offering better habitat for wildlife in the immediate vicinity.
- 8.20 **Site Constraints:** The proposed site has been identified as sitting in a 'Low Risk Area' by The Coal Authority, a 'High Risk' area for surface water flooding and containing 'unknown filled ground' by NLC Protective Services. It is not considered that any of these site constraints shall present an impediment to development in this instance.
- 8.21 **Consultation Responses:** The site has been shown to be capable of accommodating the proposed unit without detriment to residential amenity with regards to the response from NLC Protective Services. NLC Traffic & Transportation did not seek to object to the proposal subject to a condition requiring sightlines associated to the carpark element of the design and suitable pedestrian links into the site, Transport Scotland similarly did not seek to object to the proposal, subject to conditions. NLC Food Safety / Business Regulations sought to apply informatives with regards to the use of the building. There are no objections from any of the consultees associated to this planning application.
- 8.22 **Representations:** The majority of the representations, particularly those from serving members of Parliament / Scottish Parliament, have sought to focus on the principle of the proposed development. This principle has been established through the granting of Appeal Reference PPA-320-2162 and an extant permission remains in place for this site. All comments received with regards to this application have been considered and responded to in section 7 of the report. It is considered that permission may be granted without significant detrimental impact to residential amenity.
- 8.23 **Conclusions** Previously the principal concern with regards to developing this site centred around the acoustic footprint associated to the development. It is worth noting that noise complaints from an existing industrial unit, alongside the A725 Bellshill Bypass, have been reported to Environmental Health Colleagues and this is a known issue in the area. The acoustic profile of this proposed development has been considered by NLC Protective Services who are satisfied that the proposal can be accommodated without a significant or detrimental impact to residential amenity in the immediate vicinity. Although the mitigation measures differ from the currently approved development for the site, (21/00896/FUL / PPA-320-2162), the Environmental Health Officers are satisfied that the acoustic footprint associated to the development can be suitably mitigated by the conditions attached to this report.

## **9. Conclusions**

- 9.1 Notwithstanding the objections received with regards to this proposal, the development of this site for industrial use has been established through the determination of Planning Appeal Reference PPA-320-2162. If the Committee were minded to refuse this application, the developer is very likely to appeal, failing that they would have the ability to go ahead and begin development of the previously

approved scheme. Although different the proposed development, along with the associated car parking and distribution yard, on an allocated business site is considered acceptable in terms of the criteria set out in the relevant policies contained within NPF4 and the North Lanarkshire Local Plan (2022). The proposed development, once suitable mitigation measures have been installed, is unlikely to significantly adversely affect the surrounding residential, industrial and business areas. Accordingly, it is recommended that planning permission be granted subject to the conditions outlined in this report above.





# North Lanarkshire Council Report

## Planning Committee

Does this report require to be approved?

☒ Yes ☐ No

Ref: 21/00982/PPPPH/GL

Date: 17/10/24

## Compulsory Purchase Order 99 Stanhope Place, Gowkthrapple Town & Country Planning (Scotland) Act 1997

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

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### Executive Summary

The purpose of this report is to seek approval to promote a Compulsory Purchase Order (CPO) in relation to a property at 99 Stanhope Place, Wishaw ("the Property"). The Property is identified in the location plan and CPO plan in Annex 2 and 5 and is part of the approved Gowkthrapple Regeneration Masterplan Framework ("the Masterplan") for major regeneration at Gowkthrapple (See Location Plan – Masterplan Site Boundary and Indicative Concept Masterplan Drawing at Annex 1 and 3). The regeneration plans outline significant redevelopment of the area following demolition of the existing flats and will deliver new housing, landscaped open space and green corridors in four phases (as shown on the Masterplan Framework Phasing plan attached at Annex 3). The Property is situated within Phase 2 (as shown in Masterplan Framework Phasing at Annex 4).

Planning application ref. 21/00982/PPP (described as "*Residential development, ancillary retail, open space, landscaping, SUDS, access, associated works and demolition (in principle)*") was submitted by North Lanarkshire Council for the redevelopment of Gowkthrapple and this application was approved by the Planning Committee at its meeting of 27<sup>th</sup> January 2022. The permission is to facilitate the redevelopment as noted, comprising a Masterplan for an area up to and including Stanhope Place, but also involving the demolition of existing tower blocks and low-rise flats.

It has not been possible to reach final agreement with the private owner of the Property in order to purchase their flat on a voluntary basis. This is required to allow part of the redevelopment to be implemented and the wider aims of the Masterplan achieved.

The Planning Committee approved an initial report on the 10<sup>th</sup> November 2022 to progress the CPO. In the intervening period, whilst the Statement of Reasons and relevant legal documentation has been progressed, further information has been made available and reviewed which is intrinsic to the CPO. This report provides further historical background to this information and the reasons behind the regeneration proposals at Gowkthrapple to support the CPO.

Planning legislation allows Local Authorities to exercise powers relating to the compulsory acquisition of land for development and other planning purposes under certain circumstances. Those powers apply in this instance and the following report is to seek Committee's further approval to promote a CPO.

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## Recommendations

It is recommended that the Planning Committee:

- 1) Reaffirm their approval to promote a Compulsory Purchase Order to acquire the property at 99 Stanhope Place, Wishaw, together with all common rights pertaining thereto, which property is shown on the plan annexed to this Report at Annex 2 and 5, for the purpose of supporting the proper planning of the area.
- 2) Gives Authority for the Chief Officer of Legal and Democratic to prepare all Compulsory Purchase Order documentation and to take all necessary steps including publication of all statutory notices to secure Confirmation of the Order by the Scottish Ministers and the Vesting of the property in the Council.

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## The Plan for North Lanarkshire

Priority	Improve the health and wellbeing of our communities
Ambition statement	(1) Ensure a housing mix that supports social inclusion and economic growth

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### 1. Background

- 1.1 A study commissioned by the Council in 2005 and carried out by consultant, Ann Flint, identified a clear scale of housing failure in Gowkthrapple, with housing voids (at that time) in excess of 35%, non-existent right to buy levels, substantial annual rent losses and high staff support costs. The housing units were identified as a poor fit with housing demands and resident's preferences. The study identified a need to change perceptions of the estate and secure a better balance of housing. The Statement of Reasons (SoR) attached to this report (Annex 6) provides a detailed account of the consultations and activities that followed.
- 1.2 The Council subsequently commissioned Ironside Farrar in 2006 to prepare a masterplan for Gowkthrapple to support an application for planning permission in principle.
- 1.3 In 2017, the Council announced a strategic change in housing policy following consultation with the residents of North Lanarkshire to agree on plans to demolish a number of towers and low-rise blocks and replace them with modern homes fit for the future. Reports were presented to and agreed by the then Housing and Social Work Services Committee on 2<sup>nd</sup> February 2017 on a Tower Strategy Action Plan and subsequently to the Enterprise and Housing Committee on 15<sup>th</sup> February 2018 on the Future Tower Strategy. These approved reports consolidated the strategy of moving away from flatted high and low rise properties with a future focus on provision of two storey homes. This strategic aim allowed the strategy for demolition of the existing towers and low-rise blocks at Gowkthrapple (previously reflected in Scenario 3 of the 2006 Masterplan) to be progressed, addressing the issue of low demand and also enabling the re-housing of a number of elderly tenants who were at that time living in the multi-storey block known as Allershaw Tower.
- 1.4 Analysis carried out by the Council in 2016/17 and 2017/18 highlighted that the Council's housing stock within Gowkthrapple remained in low demand when compared with other housing stock within North Lanarkshire. This was demonstrated by several low demand indicators, namely: a small waiting list; short waiting times for applicants; high turnover and high repeat lets within a 12 month period. This low demand was due to the age and nature of the stock as well as continuing negative perceptions of the area.
- 1.5 Following further consultation in May 2018, the Council identified the first phase of the re-provisioning strategy with 15 high-rise blocks and 34 low-rise blocks throughout North Lanarkshire identified to be demolished within three to five years, of which the Block (as defined at 1.13) was included.

- 1.6 A report was presented to and approved by the Enterprise and Housing Committee on 10<sup>th</sup> May 2018 on the Economic Regeneration Delivery Plan. This also approved proposals to progress the initial phase of the Council's housing re-provisioning programme following tenant consultation and approved a new target of 5,000 new build homes for delivery by 2035.
- 1.7 The Economic Regeneration Delivery Plan contributes to the priority outcome of improving economic outcomes and opportunities, including a specific objective of providing access to high quality housing across all tenures. Demolition and redevelopment of the Council's housing stock at Gowkthrapple was included within the report (including the Block) reflecting the concerns highlighted over low tenant demand which was approved by the Council at that time.
- 1.8 The Council's Local Housing Strategy (2021– 2026) supported by the Strategic Housing Investment Plan has six strategic outcomes, including priorities to (amongst others) promote supply of good quality affordable housing across all tenures, contribute to regeneration and sustainability of places and improve stock condition across all tenures. The Local Housing Strategy further supports the redevelopment at Gowkthrapple from a strategic perspective, enabling a new supply of homes fit for purpose (which are attractive to tenants), future proofing the stock and contributing to wider regeneration of an area particularly adversely affected by economic and social decline over recent decades.
- 1.9 The Gowkthrapple Regeneration Masterplan Framework was completed in May 2021. Its vision for the Regeneration Project is *"...to promote a comprehensive place transformation to create a new urban character, integrate harmoniously with adjacent (existing and planned) communities and take advantage of the wider natural environment of the Clyde Valley. "*
- 1.10 The key development objectives outlined within the Gowkthrapple Regeneration Masterplan Framework are –
  - 1.10.1 *To rehouse existing Gowkthrapple residents into appropriate housing through a phased delivery programme in line with planned/phased demolition of existing housing stock.*
  - 1.10.2 *To take the opportunity to transform perceptions of the Gowkthrapple estate through the creation of an attractive and well-connected new neighbourhood.*
  - 1.10.3 *To secure an element of open-market housing and mixed tenure into the housing mix, working closely with other housing providers. This will require a comprehensive solution which inspires confidence in neighbourhood transformation, quality, and integration with adjacent sites.*
  - 1.10.4 *To deliver a new neighbourhood that adopts best practice in sustainable design and placemaking.*
- 1.11 Planning permission in principle was granted for the Regeneration Project on 27 January 2022, (21/00982/PPP). It is a condition of the permission that the proposed development reflects the design concept and is restricted to no more than 300 homes across all phases as illustrated on the indicative concept masterplan submitted with the application (see plan attached at Annex 4). Approval of matters specified in conditions was granted for Phase 1 of the Regeneration Project on 26 April 2022.
- 1.12 Out of the 428 units across the full Gowkthrapple site earmarked for demolition, only 3 were privately owned. The rest are all owned by the Council. All tenants have now been re-housed (with the exception of the temporary housing of Ukrainian refugees at Birkshaw Tower, which is within Phase 3 of the Masterplan), including the elderly residents from Allershaw Tower who were relocated into 18 new purpose-built bungalows being constructed on the Phase 1 site. Two of the three private owners sold their property to the Council on a voluntary basis.

- 1.13 The owner's property is situated on the ground floor of block 97 – 127, the northern most block within the Phase 2 area (the "Block") The location of the Block is shown on the Location Plan attached at Annex 2 and the CPO Plan at Annex 5. The Block contains 16 flats in total, all of which are empty apart from the property in question, with the last tenant leaving in the middle of 2021. All empty flats within the Block have windows shuttered and flat entrance doors boarded over.
- 1.14 The Council has attempted to negotiate with the owner of the Property (within the Block) for the voluntary acquisition of the property. The owner of the Property was first approached by the Council in September 2019 to begin negotiations for the voluntary acquisition of the Property. In April 2021 an offer to purchase the Property was made by the Council which the owner verbally accepted. However, in May 2021 the owner advised the Council that he no longer wished to proceed with the voluntary sale. Following the discussions in 2021, the Council has been in regular contact with the owner to attempt to negotiate the voluntary acquisition of the Property. Most recently an officer of the Council met with the owner on 13 March 2024 to offer him alternative accommodation. The owner indicated to the officer that he was not interested in the property offered or any other properties which the Council might offer and would not consider a shared equity option of another flat of similar size. The owner is not willing to sell and has intimated that he will not consider further offers of alternative accommodation from the Council. The Council will continue to attempt to negotiate with the owner for a voluntary acquisition in parallel with the CPO process.
- 1.15 Retention of the Block and incorporation into the wider layout is not an option to the Council because of its location within the Phase 2 area. The proposed development follows a well-considered master planning process and in physical terms, retention of the Block would mean that the Council would be unable to implement the redevelopment plans for the Phase 2 area following demolition. The regeneration proposals would replace the ageing flats within the area earmarked for demolition as part of our re-provisioning programme and see modern homes built for the varying and current needs of the local community.
- 1.16 If the property in question can be acquired, this will result in the removal of the flats allowing replacement with a well-formed and attractive series of residential properties in keeping with the scale and character of the surrounding area. The regeneration proposals will also remove large areas of hardstanding and allow new areas to be properly landscaped, as included in the Masterplan as a green corridor. As a condition of grant funding, the new properties will be built to the Scottish Governments Housing for Varying Needs Standards and will at least meet the Governments Silver Standard - Aspects 1 and 2 - for Energy Efficiency. They will also comply with the current building regulations at the time of tender submission. This will result in new occupants having high quality, well insulated homes with economical heating costs. The new homes will be consistent in design alignment with the North Lanarkshire Council Net Zero Carbon Target of 2030. A further condition of the grant funding stipulates that they should be Secure By Design compliant, meaning the new homes will be fit for purpose and provide a safe community space for future residents.
- 1.17 The overall redevelopment for Gowkthrapple will see around 300 new homes (a mix of single, two and three storeys), developed. The aim is to regenerate the community by demolishing the existing towers and flats and build new homes, retail, open space, play facilities and improved transport infrastructure to create a new attractive, lower density and well- connected neighbourhood.
- 1.18 Phase 1 of the masterplan is already underway to develop 97 new council homes for social rent to help progress the Council's target of delivering 5,000 new homes by 2035, replacing the flats with modern homes built for the varying needs of the local community. Residents in the Allershaw tower block have already been rehoused in the first part of the development which features 18 bungalows with specific requirements as well as an amenity centre that allows tenants to socialise and easily access care services. The overall redevelopment within Gowkthrapple would see all towers and existing blocks of flats including Stanhope Place demolished and replaced with new homes, potentially also involving private housebuilders or other housing providers.

- 1.19 The Council has various compulsory purchase powers available depending on the circumstances. In this instance, planning permission is in place for a Scheme of redevelopment for the area (21/00982/PPP), as well as more detailed permission (21/01316/MSC) on land to the west of Stanhope Place, which, as noted above, is being constructed by the Council as Phase 1 of the Masterplan. Progressing the compulsory purchase through planning legislation is considered the most appropriate means to take the matter forward and facilitate implementation of the overall redevelopment.
- 1.20 Out of approximately 400 flats currently within Phases 2, 3 and 4, this is the only property that currently remains in permanent occupation with the windows of all other blocks being shuttered and with metal security doors fitted. Without a CPO, redevelopment of the Phase 2 area would not be possible, leaving a block of 16 flats, with only one in occupation. Retention of the block is not an option for the Council. Whilst acknowledging the impact of the CPO on the owner, the significant public benefits are considered to outweigh the private interest in these circumstances. Also, it is reiterated that efforts have been made to reach voluntary agreement in respect to purchasing the property.
- 1.21 The Council owns all of the properties within Phases 2, 3 and 4 in the Masterplan area aside from the Property subject to CPO. This presents a pressing need to conclude full acquisition of all available property to allow wholesale regeneration to take place. The Council has made a commitment to replace its own ageing housing stock with more appropriate, energy efficient and Housing for Varying Needs compliant housing. This will benefit the public by providing homes that are fit for purpose, and future proofed based on the needs of residents both now and via projections of future demand and requirements. The redevelopment of Phase 2 as planned cannot be progressed without the acquisition by the Council of 99 Stanhope Place.
- 1.22 The Council has carefully considered the balance to be struck between individual rights and the wider public interest. The landowner will be appropriately compensated. For the reasons set out above, the Council considers that there is a compelling case in the public interest for promotion of the CPO. The compulsory purchase of the Property is considered necessary and proportionate in the circumstances.

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## 2 Report

- 2.1 Part VIII of the 1997 Town and Country Planning (Scotland) Act (the “Act”) sets out the process which allows Local Authorities to exercise powers relating to the compulsory acquisition of land for development and other planning purposes. Section 189(1) of the 1997 Act confers the power to the local authority to acquire compulsorily any land in its area which:
- 2.1.1 Is suitable for and required in order to secure the carrying out of development, redevelopment and improvement,
- 2.1.2 Is required for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- 2.2 In this instance, the Chief Officer of Place considers that the land in question is suitable for redevelopment and that without a Compulsory Purchase Order, the last property remaining within private ownership would prevent the proper planning and overall redevelopment of the area.
- 2.3 Section 189(2) requires that, in considering whether land is suitable for development, redevelopment or improvement, a local authority shall have regard to the following three criteria: Page 85 of 112
- 2.3.1 The provisions of the development plan, so far as material
- 2.3.2 Whether planning permission for any development on the land is in force, and

2.3.3 Any other considerations which would be material for the purposes of determining an application for planning permission for development on the land.

**(a) The provisions of the development plan, so far as material**

- 2.4 The Development Plan consists of National Planning Framework 4 (NPF4) and the North Lanarkshire Local Development Plan 2022. However, at the time of determining the application for planning permission in principle (21/00982/PPP), the Development Plan consisted of Clydeplan 2017 and the North Lanarkshire Local Plan 2012. That application, and associated application 21/01316/MS for the Phase 1 area were considered to accord with the Development Plan and were approved on 26 April 2022. The relevant policies were Policy HCF1A Residential Areas (which aimed to protect residential amenity and supported compatible development), Policy DSP3 Impact of Development (which considered strategic impacts, e.g., a financial contribution towards school infrastructure was required), and Policy DSP4 Quality of Development (which considered design, development standards, impacts on surrounding land-uses and infrastructure). The scale of development is not of strategic significance in planning terms and assessment against Clydeplan was not required.
- 2.5 Within the current North Lanarkshire Local Development Plan 2022, the area covered by the Masterplan is primarily designated a General Urban Area. General Urban Area policy PP3 Purpose of Place aims to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with their residential character and encouraging diversity in more mixed-use areas. The policy is supportive of redevelopment 'in principle'. Furthermore, the Phase 1 area of the Masterplan and planning permission in principle is actively promoted for residential development, designated Policy PROM LOC 3 Housing Development Sites.
- 2.6 The Local Development Plan also has more detailed technical assessment policies against which development proposals are considered - policies EDQ1 Site Appraisal, EDQ2 Specific Features for Consideration and EDQ3 Quality of Development. These policies change the way in which proposals should be assessed and the range of information required to support applications.
- 2.7 The emerging Local Development Plan was treated as a material consideration within the applications approved earlier this year. It is considered that the detail of development at the Phase 2 area via an application for Matters Specified in Conditions could comply with the Development Plan, subject to the quality of the application and design taken forward.
- 2.8 Since the issue of the CPO and planning applications were presented to Committee, as highlighted in paragraph 2.3, NPF4 now forms part of the Development Plan and Clydeplan 2017 is no longer relevant.
- 2.9 NPF is a long-term spatial plan for Scotland that sets out where development and infrastructure is needed.
- 2.10 Policy 9 of NPF4 supports proposals that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings. Appropriate site investigations have been carried out.
- 2.11 Policy 14 Design, Quality and Places requires high standards of successful places. It is considered that the masterplanning process has achieved this, and quality would also be subject to subsequent applications.
- 2.12 Policy 16 of NPF4 supports proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs.
- 2.13 The principle of the Scheme, in **Page 86 of 112** of the existing housing is already established. A detailed assessment of the Scheme against the technical requirements of NPF4 and NLLDP will be subject to the final design proposal

however there are no known technical constraints at this stage. Moreover –

- The scheme will be designed to adapt to current and future climate risks in line with policy 2.
- The green corridor and open space provision within the scheme will support the conservation, restoration and enhancement of biodiversity in line with Policy 3, as well as the enhancement of green infrastructure in terms of Policy 20.
- The new homes will include low / zero carbon technologies in line with Policy 11
- The provision of community facilities such as local retail will contribute to the principle of local living in terms of Policy 15 and meets the terms of Policy 28(c).

**(b) Whether planning permission for any development on the land is in force**

- 2.14 As highlighted, the Committee has already considered an application (21/00982/PPP) by North Lanarkshire Council for ‘Residential development, ancillary retail, open space, landscaping, SUDS, access, associated works and demolition (in principle)’. The Committee approved the application subject to 17 conditions and the decision notice was issued on 28 January 2022. This includes the land which is the subject of the proposed CPO and a wider Masterplan for the redevelopment of Gowkthrapple.
- 2.15 Committee considered and approved a subsequent application (21/01316/MS), also submitted by North Lanarkshire Council on directly adjacent land but within the same planning permission in principle and Masterplan. This was for Matters Specified in Conditions (MSC) of the planning permission in principle and was described as ‘Construction of 96 Dwellinghouses (Semi-Detached, Terraced, Bungalows and Cottage Flats), Day Care Unit, New Infrastructure including Roads and SUDS Drainage Systems (MSC application in relation to 21/00982/PPP)’. Initial groundworks have commenced at Phase 1.
- 2.16 A new MSC application for the Phase 2 area specifically relevant to the CPO would be required to confirm design, layout and associated works. It is not known at this stage when an application will be submitted.
- 2.17 The existing planning permissions demonstrate that the land which is the subject of the proposed CPO already has planning permission in principle and there is no obvious reason why a further application for Matters Specified in Conditions would not be granted, discussed further in paragraph 2.13.

**(C) Any other considerations which would be material for the purposes of determining an application for planning permission for development on the land**

- 2.18 There are a range of other possible considerations relevant to the redevelopment, including national planning policy, advice notes and planning guidance. A future MSC application would also be subject to appropriate notification procedures, advertisement, and consultation. This could result in representations and specific material considerations on final plans. It is reiterated however, that planning permission in principle has already been granted providing a robust basis for the redevelopment and promotion of the compulsory purchase. There is also commitment to the redevelopment out with the planning process, within other important Council priorities and strategies, such as the Economic Regeneration Delivery Plan, future tower strategy and provision of new social housing.
- 2.19 MSC applications would be required to consider detailed elements of all future

phases of development (including the Phase 2 area). It is not possible to prejudge the outcome of a planning application without going through that process. There is however sufficient comfort from the recent planning permission in principle and planning conditions in place, that subject to application quality the policies could be complied with. The principle of development and a Masterplan has already been granted planning permission, committing to the redevelopment of the Gowkthrapple area. Subject to approval of details, this would be in accordance with the Development Plan and is otherwise in the interests of the proper planning of the area. The Phase 2 area forms an integral part of the Masterplan and demolition of the block would be required to allow redevelopment to be physically implemented and for the over design concepts to be achieved.

- 2.20 Considering the above, the proposed Compulsory Purchase Order meets the requirements to be progressed under planning legislation and the report recommendations are provided above.

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### 3 Measures of success

- 3.1 The acquisition of the property at 99 Stanhope Place helps the Council meet its objectives set out in the Masterplan for Gowthrapple.
- 3.2 The delivery of Phase 2 of the Masterplan will provide substantial benefits as follows:
- The provision of approximately 52 new, energy efficient homes in line with tenant's preferences
  - The provision of community facilities, including local retail and play facilities, in line with local living principles
  - Creation of a new well-connected, permeable neighbourhood in line with placemaking and active travel principles
  - The provision of green infrastructure (part of the proposed green corridor lies within the Phase 2 site)

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### 4 Supporting documentation

- 4.1 Appendices 1 to 5 (below) shows the location of 99 Stanhope Place within the wider context including the approved masterplan area and its 4 phases.

Annex 1 – Location Plan (Masterplan Site Boundary)  
Annex 2 – Location Plan (99 Stanhope Place)  
Annex 3 – Indicative Concept Masterplan Drawing 105 Rev D  
Annex 4 – Masterplan Framework Phasing  
Annex 5 - CPO Plan  
Annex 6 – Draft Statement of Reasons



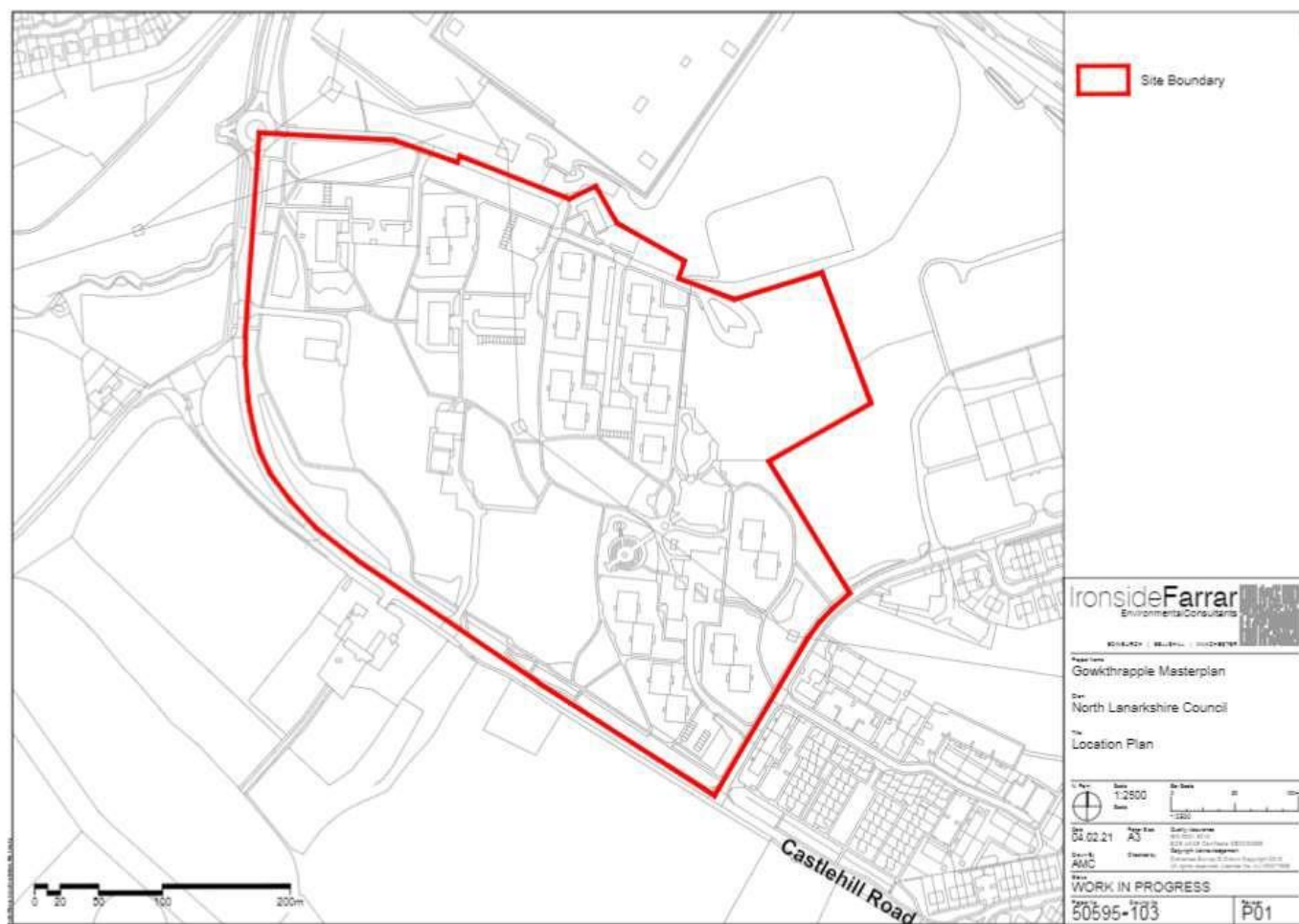


5 **Impacts** ( <http://connect/report-template-guidance> )

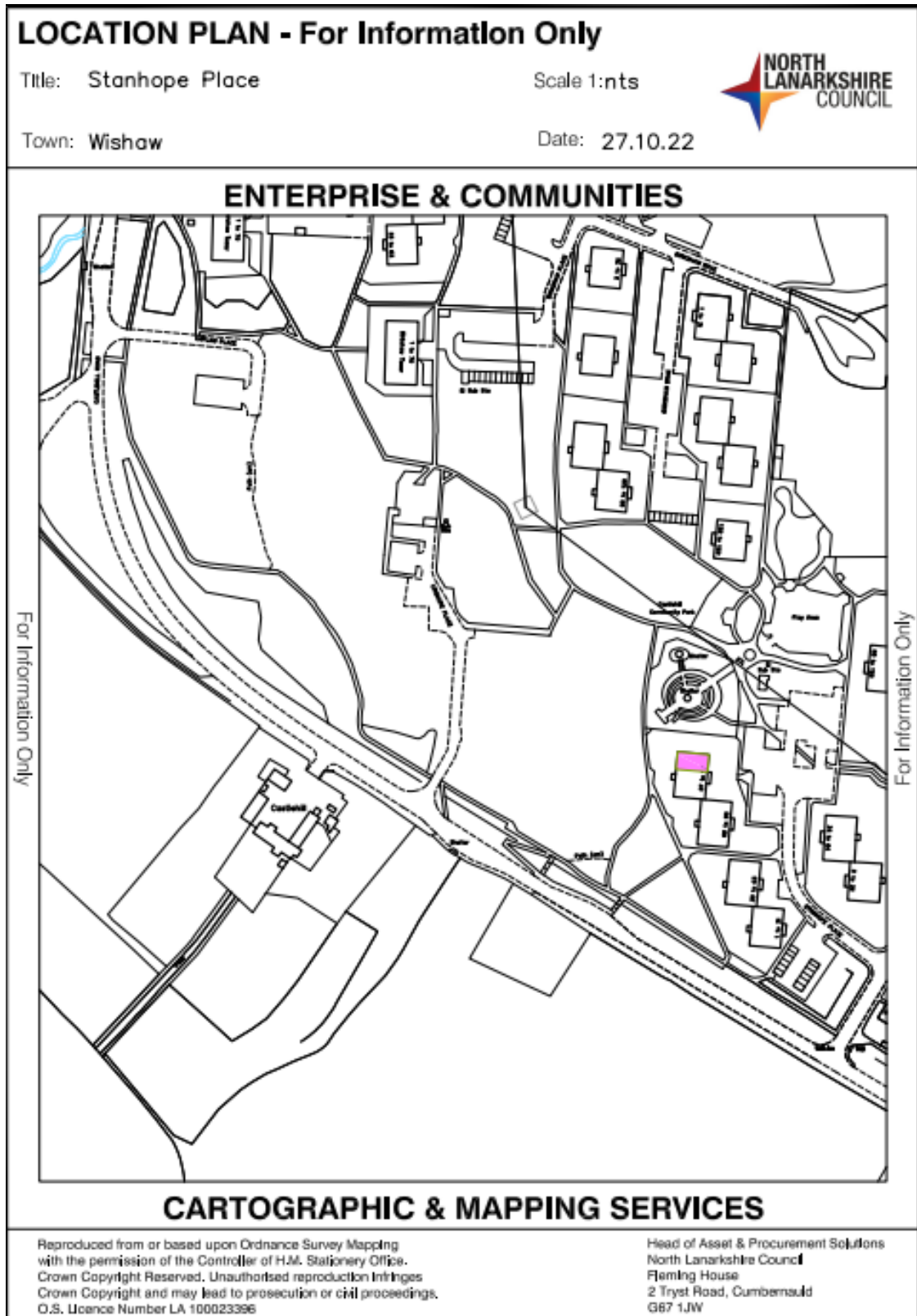
<p><b>5.1 Public Sector Equality Duty and Fairer Scotland Duty</b>  Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  If Yes, please provide a brief summary 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 checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p><b>5.2 Financial impact</b>  Does the report contain any financial impacts?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  If Yes, have all relevant financial impacts have been discussed and agreed with Financial Solutions?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  If Yes, please provide a brief summary of the impact?</p> <p>Provision has been made within the council's Housing Revenue Account to fund the purchase property at 99 Stanhope Place which will be contained within the budget for the Open Market Purchase Scheme.</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 have been discussed and agreed with People and Organisational Development?  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 checked="" type="checkbox"/> No <input type="checkbox"/>  If Yes, have all relevant legal impacts have been discussed and agreed with Legal and Democratic Solutions?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  If Yes, please provide a brief summary of the impact?</p> <p>Legal Advice has been obtained.</p>
<p><b>5.5 Data protection impact</b>  Does the report / project / practice contain or involve the processing of personal data?  Yes <input checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/></p>

<p>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></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<b>5.6 Technology / Digital impact</b>	<p>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?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p> <p>Where the impact identifies a requirement for technology, has an assessment been carried out (or scheduled) by the Enterprise Architecture Governance Group (EAGG)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<b>5.7 Environmental / Carbon impact</b>	<p>Does the report / project / practice contain information that has an impact on any environmental or carbon matters?</p> <p>Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p> <p>The wider project has environment/carbon impact to consider, however this report relates to the compulsory purchase of a remaining flat in private ownership.</p>
<b>5.8 Communications impact</b>	<p>Does the report contain any information that has an impact on the council's communications activities?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please provide a brief summary of the impact?</p> <p>The proposal relates to the Compulsory Purchase of a private property where agreement hasn't been achieved.</p>
<b>5.9 Risk impact</b>	<p>Is there a risk impact?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>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?</p> <p>Without the ownership of the full block at Stanhope Place the re-provisioning programme will not be able to progress, this will have an adverse effect on the Gowthraple Masterplan and the local environment.</p>

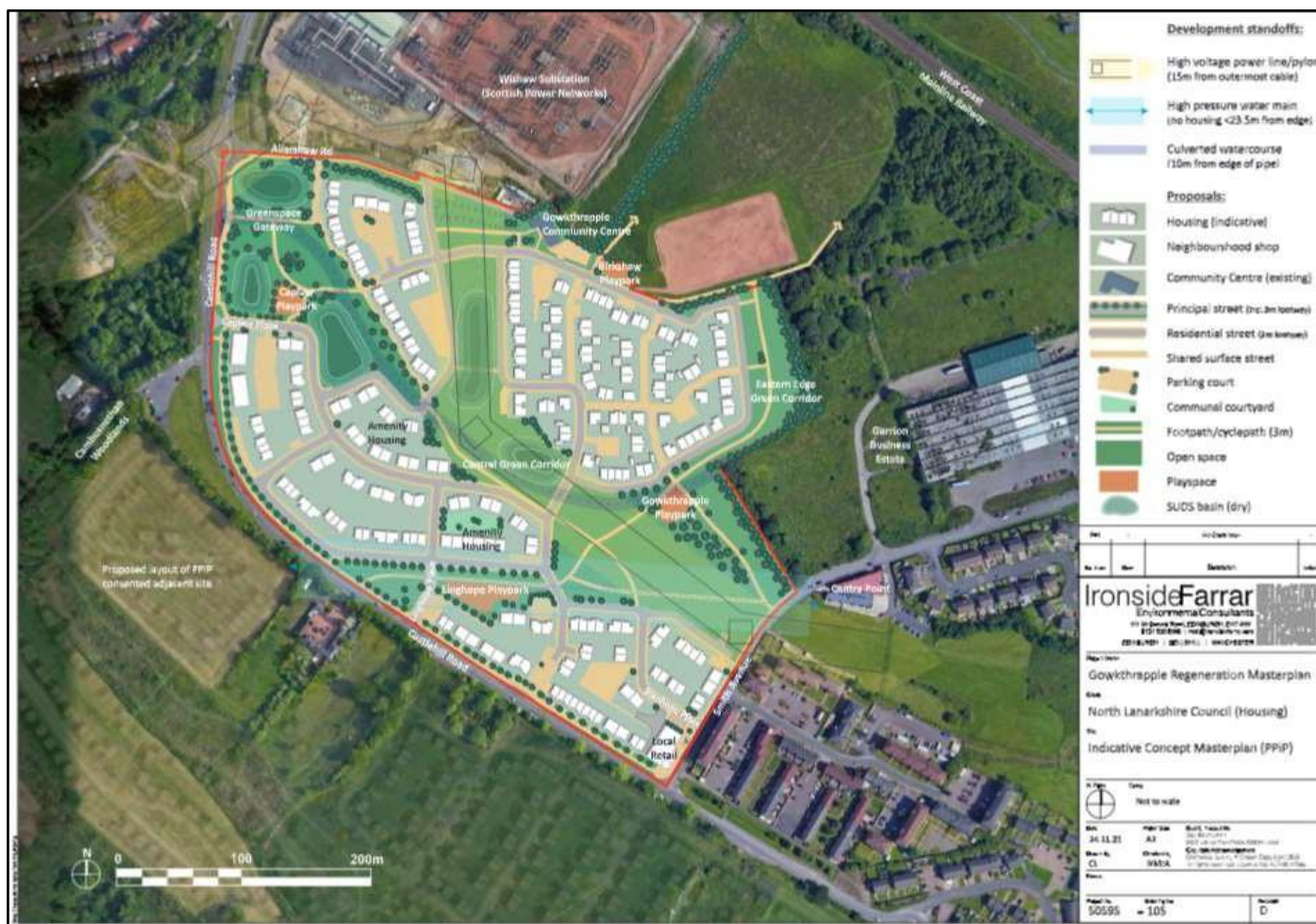
## Annex 1: Location Plan (Masterplan Site Boundary)



## Annex 2: Location Plan (99 Stanhope Place)



### Annex 3: Indicative Concept Masterplan Drawing 105 Rev D





## Annex 4: Masterplan Framework Phasing

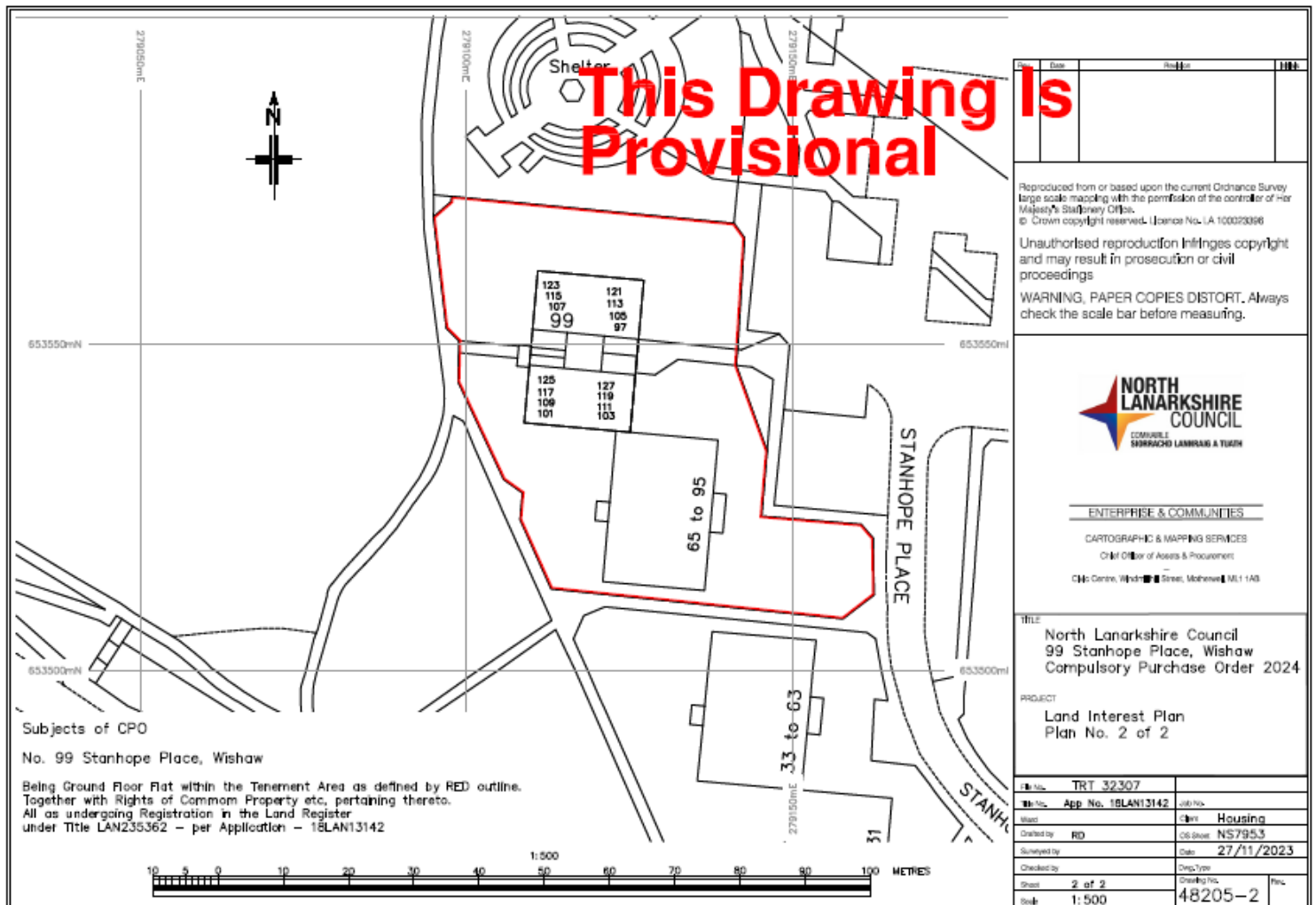
### 7. Proposed Phasing and Capacities



Figure 14 : Proposed Phasing and Estimated Housing Capacities

WorriedFarrar | 50595 | Feb 2023

## Annex 5: CPO Plan



## **Annex 6: Draft Statement of Reasons**



**STATEMENT OF REASONS  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947  
THE NORTH LANARKSHIRE COUNCIL (99 STANHOPE PLACE, WISHAW) COMPULSORY  
PURCHASE ORDER 2024**

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Ref: KLH.NOR0046.00153**



## **1 STATEMENT OF REASONS**

## **2 TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

## **3 THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947**

## **4 THE NORTH LANARKSHIRE COUNCIL (99 STANHOPE PLACE, WISHAW) COMPULSORY PURCHASE ORDER 2024**

### **Introduction**

4.1 This is a Statement of Reasons on behalf of North Lanarkshire Council (the Council) in relation to the North Lanarkshire Council (99 Stanhope Place, Wishaw) Compulsory Purchase Order 2024 (the CPO).

4.2 The CPO has been promoted by the Council as planning authority in terms of Section 189 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act).

4.3 On 17 October 2024 the Council resolved to make the CPO to facilitate Phase 2 of the Gowkthrapple Regeneration Project (the Regeneration Project) described at section 2 below.

4.4 Phase 2 (the Scheme) comprises the demolition of existing housing and residential development of the Phase 2 Site (as described at 2.1 below) in accordance with the Gowkthrapple Regeneration Masterplan Framework (see 3.15 and 3.16 below).

4.5 Planning permission in principle has been granted for the Scheme, and its objectives (and those of the Regeneration Project (described in section 3 below) are supported by or consistent

with national and local housing and planning policy and the development plan.

4.6 The land which is to be acquired by the CPO (the CPO Land) is reasonably required to deliver the Scheme, and there is a compelling case in the public interest for the use of compulsory purchase powers to deliver the Scheme.

4.7 This Statement of Reasons sets out, amongst other things, the background to, the purpose of, and the justification for making the CPO.

### **Land and Project Description**

4.8 The Regeneration Project comprises the comprehensive redevelopment of the Gowkthrapple Estate (the Regeneration Area) through the demolition of 428 housing units (13 blocks) constructed in the 1970s and the delivery of approximately 300 new build homes (a mix of single, two and three storeys), ancillary retail development, landscaped open space, green corridor, SUDS, access, and associated works. The Regeneration Project is planned to take place over four phases, of which the Scheme is Phase 2.

4.9 The Regeneration Area comprises an area of land in the south of Wishaw generally located between Castlehill Road to the south and west, the Wishaw substation to the north and the Garrion Business Estate and Smith Avenue to the east, all as shown outlined in red on the Masterplan Site Boundary Plan. The Scheme is proposed to be developed on the southeastern corner of the Regeneration Area (the Scheme Land).

4.10 The Scheme comprises the demolition of 8 four storey residential blocks consisting of 128 existing flats and the development of approximately 52 new homes together with local retail provision, landscaped open space, green corridor, and transport infrastructure including footpath and cyclepath provision.

4.11 The CPO Land comprises a ground floor flatted two bedroom dwellinghouse known as 99 Stanhope Place, Wishaw and common parts relating thereto. It is the northwest flatted dwellinghouse on the ground floor of a low rise block of flats known as 97 to 127 (odd numbers only) Stanhope Place, Wishaw ("the Block"). The Block consists of sixteen flats in total over four storeys. All properties within the Block are owned by the Council with the exception of the CPO Land.

4.12 The CPO Land (a single plot) is shown shaded pink and outlined in red in the schedule to the CPO ("the Map"). All other land within the Scheme Land is owned by the Council.

### **Background to the Order**

4.13 Gowkthrapple is a 1970s peripheral housing estate that lies on the south western edge of Wishaw characterised by residential tower blocks and low rise four storey blocks of flats. The majority of the housing stock is flatted, with almost one third of the stock contained in the three tower blocks. The estate has been adversely affected by economic and social decline over recent decades. Gowkthrapple, including the area of Stanhope where the CPO Land is located, is within the most deprived 10% in Scotland based on the Scottish Index of Multiple Deprivation. Consequently, it has been the focus of regeneration initiatives by the Council since the 1990s.

4.14 Public open space at Gowkthrapple is over provided and generally of limited functionality. The main areas of open space comprise land which is incapable of development within electricity pylon corridors, offering limited value. Play and recreational space is associated with the local school and a community garden, with the latter needing continued attention. Much of the public realm is poor being associated with garage courts, footpath links and weakly defined external space to buildings. Many of the spaces are uninviting, potentially threatening and offer little opportunity for active or passive sport, play or recreation.

4.15 An options appraisal commissioned by the Council and carried out by consultant, Ann Flint, in 2003 identified a clear scale of housing failure in Gowkthrapple, with housing voids (at that time) at 35% (compared with 4.4% voids in Wishaw generally), negligible right to buy levels, substantial annual rent losses and high staff support costs. The housing units were identified as a poor fit with housing demands and resident's preferences. Problems of poor quality housing, empty property, anti-social behaviour, poor environmental quality and local amenity, and stock generally unsuited to housing need combined to create a poor housing environment and fragmented community. The study identified a need to change perceptions of the estate and secure a better balance of housing which more closely met housing demand and resident preferences, by reducing the number of houses for rent, improving the mix of rental housing for families and introducing owner occupation through the private sector to improve tenure balance and social mix.

4.16 The estate was found to suffer from a level of housing market failure where residential demand and values were extremely low with the location blighted by place perceptions that meant Gowkthrapple was rarely considered a location of choice. It was recognised that addressing the problems needed clear strategic decision making and new investment to support a restructuring of the site and project and community building measures. Change was needed to address both physical reconfiguration and housing stock alongside the re-building of communities and neighbourhoods. Gowkthrapple was said to provide "*the wrong type of housing, of the wrong size and in the wrong place.*" The options appraisal favoured full or partial demolition of the existing housing stock with the preferred option dependent on various factors including funding.

4.17 The Council subsequently commissioned consultants Ironside Farrar in 2006 to prepare a strategic masterplan for Gowkthrapple (the 2006 Masterplan) as a key Council priority. The 2006 Masterplan was developed to address the poor estate image<sup>1</sup>, the need for better homes and different housing that would meet local needs and help to provide new investment in community infrastructure.

4.18 The 2006 Masterplan was progressed in close consultation with a client steering group formed by elected members and officers of the Council, Scottish Enterprise Lanarkshire, Communities Scotland and the Gowkthrapple Regeneration Group. Consultation included structured workshops, community meetings, and interviews with local interests covering business, civic and special interest groups.

4.19 In developing the 2006 Masterplan, four strategic development scenarios were developed, in consultation with stakeholders, and assessed. These comprised –

- Scenario 1: Major Contraction – Extensive demolition of the Estate removing the worst properties and promoting a green space forming a carbon sink through new planting and urban fringe woodland development.
- Scenario 2: Limited Housing re-structuring – Developing Gowkthrapple to address the biggest housing challenges offering new housing elements to better reflect market need / housing demand and demolishing the worst blocks and areas of housing failure.
- Scenario 3: Comprehensive Housing re-structuring round new neighbourhoods – A vibrant smaller community offering a mix of housing types built around 4 neighbourhoods and offering good local facilities and improved design quality and amenity with new homes adding to the strength of the community.
- Scenario 4: Major Expansion – A larger community offering a broad mix of housing extending both sides of Castlehill Road, offering 5 or more neighbourhoods with new school

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<sup>1</sup> Discussed in the BNSF Perceptions Study 2004 prepared for the North Lanarkshire Partnership

community facilities, new sense of place but with impacts on protected greenspace.

4.20 Following appraisal, Scenarios 2 and 3 were considered to be more sustainable options and were further assessed through SWOT analysis. Scenario 4 was adopted as the recommended strategy due to its greater strengths and the additional opportunities which it presented (see 2006 Masterplan, p28).

4.21 The 2006 Masterplan was then developed into a detailed masterplan and design brief in 2009. The Council's Regeneration Services Committee approved the submission of the detailed masterplan as an outline planning application. This was granted planning permission in principle on 2 February 2011. Delivery of the detailed masterplan was to have been achieved through public / private partnership, including Garrion Housing Co-operative, a registered social landlord operating in the area. However the intervention of the 2008 economic crash had a significant impact on private developer interest in the area, and the plans were unable to progress at that time.

4.22 Consistent with that previous work, analysis carried out by the Council in 2016/17 and 2017/18 highlighted that the Council's housing stock within Gowkthrapple remained in low demand when compared with other housing stock within North Lanarkshire. This was demonstrated by several low demand indicators, namely: a small waiting list; short waiting times for applicants; high turnover and high repeat lets within a 12 month period. This low demand was due to the age and nature of the stock as well as continuing negative perceptions of the area (as described above). The analysis concluded that the future sustainability of the housing at

Gowkthrapple was high risk, and that it (together with other high risk areas) should be the focus for further assessment and the development of appropriate action plans / interventions.

4.23 Against that background, in 2017, the Council announced a strategic change in housing policy to demolish a number of towers and low-rise blocks and replace them with modern homes fit for the future. Reports were presented to and agreed by the then Housing and Social Work Services Committee on 2nd February 2017 (the Tower Strategy Action Plan) and subsequently the Enterprise and Housing Committee on 15th February 2018 (the Future Tower Strategy). These approved reports consolidated the strategy of moving away from flatted high and low rise properties focussing on provision of two storey homes. This strategic aim allowed the strategy for demolition of the existing towers and low-rise blocks at Gowkthrapple (previously reflected in Scenario 3 of the 2006 Masterplan) to be progressed, addressing the issue of low demand and also enabling the re-housing of a number of elderly tenants who were at that time living in the multi-storey block known as Allershaw Tower within Gowkthrapple.

4.24 A report was presented to and approved by the Enterprise and Housing Committee on 10th May 2018 updating members on the Council's Economic Regeneration Delivery Plan which contributes to the priority outcome of improving economic outcomes and opportunities, including a specific objective of providing access to high quality housing across all tenures. This also approved proposals to progress the initial phase of the Council's housing re-

provisioning programme to demolish 15 high-rise tower blocks and 34 low-rise blocks throughout North Lanarkshire within three to five years and develop new build following tenant consultation (see section 9 below) and approved a new target of 5,000 new build homes for delivery by 2035. The Block (containing the CPO Land) was included within the blocks identified for demolition.

4.25 The Council's Local Housing Strategy (2021– 2026) supported by the Strategic Housing Investment Plan has six strategic outcomes, including priorities to (amongst others) promote supply of good quality affordable housing across all tenures, contribute to regeneration and sustainability of places and improve stock condition across all tenures. The Local Housing Strategy (see section 11) further supports the redevelopment at Gowkthrapple from a strategic perspective, enabling a new supply of homes fit for purpose (which are attractive to tenants), future proofing the stock and contributing to wider regeneration of an area particularly adversely affected by economic and social decline over recent decades.

4.26 In 2019 the Council commissioned Ironside Farrar to prepare a masterplan framework for the Regeneration Area including an indicative concept masterplan to support an application for planning permission in principle.

4.27 The Gowkthrapple Regeneration Masterplan Framework was completed in May 2021. Its vision for the Regeneration Project is *"...to promote a comprehensive place transformation to create a new urban character, integrate harmoniously with adjacent (existing and planned) communities and take advantage of the wider natural environment of the Clyde Valley.*  
"

4.28 The key development objectives outlined within the Gowkthrapple Regeneration Masterplan Framework are –

*4.28.1 To rehouse existing Gowkthrapple residents into appropriate housing through a phased delivery programme in line with planned/phased demolition of existing housing stock.*

*4.28.2 To take the opportunity to transform perceptions of the Gowkthrapple estate through the creation of an attractive and well-connected new neighbourhood.*

*4.28.3 To secure an element of open-market housing and mixed tenure into the housing mix, working closely with other housing providers. This will require a comprehensive solution which inspires confidence in neighbourhood transformation, quality, and integration with adjacent sites.*

*4.28.4 To deliver a new neighbourhood that adopts best practice in sustainable design and placemaking.*

4.29 Planning permission in principle was granted for the Regeneration Project on 27 January 2022. It is a condition of the permission that the proposed development reflects the design concept and is restricted to no more than 300 homes as illustrated on the indicative concept masterplan submitted with the application. Approval of matters specified in conditions was granted for Phase 1 of the Regeneration Project on 26 April 2022.

4.30 All tenants from the existing housing within the Regeneration Area have been re-housed, including the elderly residents from Allershaw Tower who were relocated into 18 new purpose-built bungalows being

constructed on the Phase 1 site. A number of Ukrainian refugees have been accommodated by the Council on a temporary basis within Birkshaw Tower which forms part of Phase 3 of the Regeneration Area but will be relocated by the Council if still requiring accommodation once the Phase 3 area is to be redeveloped (as the penultimate phase of the Regeneration Project). The owner of the CPO Land is the only remaining occupant within the existing flats on the Phase 2 Site and, with the exception of the Ukrainian refugees, is the only remaining occupant within the Regeneration Area.

4.31 Construction of Phase 1 commenced on 13 October 2022 and is being carried out in two (sub) phases. The first phase of Phase 1 is complete with the second phase of Phase 1 due to complete in August 2024. Phase 1 comprises Council owned homes for social rent.

4.32 As a condition of grant funding, the proposed new properties (including the Scheme) will be built to the Scottish Government's Housing for Varying Needs Standards and will at least meet the Government's Silver Standard - Aspects 1 and 2 - for Energy Efficiency. They will also comply with the current building regulations at the time of tender submission. This will result in new occupants having high quality, well insulated homes with economical heating costs. The design of the new homes will be consistent with the Council's Net Zero Carbon Target of 2030. A further condition of the grant funding stipulates that the homes should be Secure By Design compliant, meaning that the new homes will provide a safe community space for future residents. It is anticipated that the new properties within the Scheme, or a proportion of them, will be affordable.

4.33 As detailed at section 9 below, the Council has attempted to negotiate with the owner of the CPO Land for the voluntary acquisition of the property. The owner is not willing to sell and has intimated that he will not consider further offers of alternative accommodation from the Council.

4.34 The Regeneration Project follows a well-considered master planning process. In physical and design terms, retention of the Block would mean that the Council would be unable to implement the redevelopment plans for Phase 2 following demolition of the blocks within Council ownership. Demolition of the existing blocks within the sites for Phases 2-4 (with the exception of the Block) is ongoing (six of the 13 blocks have now been demolished) but cannot complete without the acquisition of the CPO Land with the risk of additional cost to the Council under contract.

4.35 The Council is also incurring additional insurance, maintenance and property costs while the Block remains on site as the Council remains liable for the common areas and Council owned properties within the Block until demolition proceeds.

4.36 Compulsory purchase of the CPO Land is therefore necessary to deliver the Scheme and facilitate the comprehensive delivery of the Regeneration Project, tackling the longstanding issues of housing failure identified at Gowkthrapple Estate.

#### **Justification For Making the Compulsory Purchase Order**

4.37 The Scheme will provide substantial benefits as follows –

4.37.1 The provision of approximately 52 new, energy efficient homes in line with tenant's preferences;

4.37.2 The provision of community facilities, including local retail and play facilities, in line with local living principles;

4.37.3 Creation of a new well-connected, permeable neighbourhood in line with placemaking principles;

4.37.4 The provision of green infrastructure (part of the proposed green corridor lies within the Phase 2 site);

4.37.5 Active travel provision, including cycle paths.

4.38 The Scheme has the benefit of planning permission in principle, and is supported by or consistent with relevant planning, and other policy and strategies at a national and local level.

4.39 The CPO is required as it is unlikely that the CPO Land will be acquired voluntarily and /or within a reasonable timeframe.

4.40 There is therefore a compelling case in the public interest for both the Scheme and the CPO.

4.41 The Council is aware that it is a public authority for the purposes of the Human Rights Act 1998 and that it may not act in a manner that is incompatible with the European Convention on Human Rights (ECHR). The Council acknowledges that Article 1 Protocol 1 (protection of property) of the ECHR is engaged where powers of compulsory purchase are exercised. It also acknowledges that Article 8 of the ECHR (right to respect for private and family life) may be engaged where powers of compulsory purchase are engaged. It is acknowledged that as a

consequence of the CPO the owner will be deprived of his land and his current home. However, there are compelling arguments in favour of the Scheme that outweigh the interests of the individual landowner who will be affected by it, thereby justifying the use of powers of compulsory purchase.

4.42 The Council has offered suitable alternative accommodation to the owner and remains willing to discuss such arrangements to mitigate the impact of the CPO on the owner. The owner of the CPO Land will receive appropriate compensation in accordance with the provisions of the statutory code.

4.43 An Equalities Impact Assessment was carried out by the Council in October 2024 and the Council gave due consideration to its obligations under the Fairer Scotland Duty.

#### **Use of the Land After Acquisition**

The CPO Land is to be used for the purposes of the Scheme including the construction of new homes, landscaped open space and a green corridor.

#### **Description Of Land Made For Any New Rights Being Created**

No new rights are being created.

#### **Use Of Enabling Act**

4.44 The CPO is promoted by the Council as the planning authority using the powers contained in Section 189 of the 1997 Act to compulsorily acquire land which is –



4.44.1 suitable for and required in order to secure the carrying out of development, redevelopment and improvement, and

4.44.2 required for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

4.45 Section 189(2) of the 1997 Act requires that, in considering whether land is suitable for development, redevelopment or improvement, a local authority shall have regard to the following three criteria (each of which was considered by the Council before resolving to proceed with the CPO):

4.45.1 The provisions of the development plan, so far as material – these are addressed at section 11 below;

4.45.2 Whether planning permission for any development on the land is in force – this is addressed at section 10 below;

and

4.45.3 Any other considerations which would be material for the purposes of determining an application for planning permission for development on the land - these matters are addressed generally at section 3 above.

4.46 As set out in this Statement of Reasons, the Council considers that the powers under the 1997 Act are the most relevant powers to use to secure the CPO Land. While it is recognised that the powers of compulsory purchase contained in the Housing (Scotland) Act 1987 may also be considered relevant, the planning status of, and policy support for the Scheme and the Regeneration Project support reliance on the powers within the 1997 Act.

## Alternatives

4.1 The Council has explored alternative means of implementing its objectives through the 2003 Options Appraisal and through the 2006 strategic development scenario review undertaken as part of the development of the 2006 Masterplan, when Scenario 3 was identified as the recommended strategy (see section 3).

4.2 Alternative designs were also considered through the development of the Framework taking account of physical constraints as well as stakeholder feedback. Design changes at this stage included –

4.2.1 Retaining the existing alignment of Castlehill Road as the originally proposed roundabout was prohibitively expensive rendering the redevelopment proposals unviable, and

4.2.2 Creation of a smaller SUDs basin within Phase 1 of the Regeneration Project rather than amalgamating surface water drainage into the northwest corner of the Regeneration Area, in response to residents' concerns about disruption.

## 5 Engagement

5.1 Throughout the long history of regeneration initiatives at Gowkthrapple, the community has been consulted on multiple occasions. This section focusses on more recent consultation exercises.

5.2 In May 2018, the Council consulted with tenants of housing stock in the relevant communities before identifying the first phase of its reprovisioning strategy (discussed at section 3 above).

5.3 Consultation included –

5.3.1 The issue of a newsletter with information regarding the reprovisioning proposals and implications for tenants;

5.3.2 Open days held at each location;

5.3.3 Carrying out a survey of all tenants to gather information regarding housing circumstances to help inform future plans and establish the level of support for the proposals;

5.3.4 Attempts by Council housing officers to visit every tenant in the relevant blocks to gather survey returns and answer any questions the tenants might have

5.4 The majority of the consultation responses (81%) supported the Council's proposals. Within the Gowkthrapple area, 77% of responses received supported the re-provisioning strategy. The majority of all those responding (70%) wished to remain in the same area of North Lanarkshire and 86% of those responding wished to reside in a house. .

5.5 In October 2019 tenants and residents of the Regeneration Area attended a “drop-in” event to discuss the (then) proposed conceptual

masterplan. Feedback was generally positive with the majority of comments focused on future housing types/mix, community facilities, higher quality accessibility and child friendly open spaces. Attendees expressed support for a mix of housing types and sizes, with particular support expressed for lower density terraced properties and 3-bedroom family properties.

5.6 A workshop was held for officers of the Council from a range of departments to discuss the Regeneration Area's challenges and opportunities. Utility providers were also contacted in relation to cross-site infrastructure and necessary stand-off distances. Discussions were also held with the Scottish Environment Protection Area in relation to nearby ground contamination and any necessary precautions.

5.7 Following changes to the emerging masterplan and input from various supporting studies, a second community consultation event was held in June 2020, which formed part of the pre-application consultation process. This was carried out online, due to COVID-19 pandemic restrictions. Online attendees could select each presentation board to enlarge/view/download and were able to leave comments. This event was advertised locally, including by the delivery of 1,000 fliers to local homes and businesses, and accessed 349 times by 279 people over the three-week consultation period. Consultation responses were generally positive.

5.8 The Council has been in contact with the owner of the CPO Land regarding the Regeneration Project since 2018. In September 2019 the Council approached the

owner to begin negotiations for the voluntary acquisition of the CPO Land and to discuss re-housing options and requirements. The Council's attempts to engage with the owner (including through communications with his son) continued thereafter and a survey was arranged. In May 2021 an offer to purchase the CPO Land was made by the Council which the owner verbally accepted. However the owner advised the Council a week later that he no longer wished to proceed with the voluntary sale.

5.9 Following the discussions in 2021, the Council has been in regular contact with the owner to attempt to negotiate the voluntary acquisition of the CPO Land. All attempts have been unsuccessful with the owner seeking a price far in excess of market value. A number of meetings have taken place between senior Council officers and the owner, where the owner has been offered different tenures of accommodation within the local area. Specific re-housing offers have included tenancies with the Council and shared equity opportunities. Most recently an officer of the Council met with the owner on 13 March 2024 to offer him alternative accommodation in Wishaw on a shared equity basis. The owner indicated to the officer that he was not interested in the property offered or any other properties which the Council might offer and would not consider a shared equity option.

5.10 The offer of a voluntary sale remains open to the owner as does the offer of suitable alternative accommodation, whether this be temporary or permanent. The Council has remained in touch with the owner to this effect,

however as matters stand there is no indication that the owner's position will change.

### **Planning Permission**

5.11 Planning permission in principle (reference 21/00982/PPP) was granted by the Council on 28 January 2022 for the Regeneration Project<sup>2</sup> (the PPP) on the Regeneration Area (including the Scheme Land).

5.12 Approval of matters specified in conditions (reference 21/01316/MSC) for Phase 1 of the Regeneration Project<sup>3</sup> was granted on 26 April 2022 (the MSC).

5.13 An application for detailed planning permission or approval of matters specified in conditions relating to the Scheme (aligned with the Gowkthrapple Regeneration Masterplan Framework) will require to be submitted to the Council as planning authority. The Council does not intend to submit such an application until the CPO Land has been secured.

5.14 Given the existence of the PPP and the MSC, and based on the policy position set out below, it is reasonably assumed that detailed planning permission (or approval of matters specified in conditions) would be granted for the Scheme.

### **Planning Policy**

5.15 The development plan for North Lanarkshire comprises the National Planning

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<sup>2</sup> The development permitted by the PPP is residential development, ancillary retail, open space, landscaping, SUDS, access, associated works and demolition (in principle).

<sup>3</sup> The development permitted by the MSC is 96 dwellinghouses (semi-detached, terraced, bungalows and cottage flats), day care unit, new infrastructure including roads and SUDS drainage systems

**National Planning Framework 4 (NPF) (2023)**

5.16 NPF is a long-term spatial plan for Scotland that sets out where development and infrastructure is needed.

5.17 Policy 16 of NPF4 supports proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs.

5.18 The principle of the Scheme, including demolition of the existing housing is already established. A detailed assessment of the Scheme against the technical requirements of NPF4 will be subject to the final design proposal however there are no known technical constraints at this stage. Moreover -

5.18.1 The Scheme will be designed to adapt to current and future climate change risks in line with Policy 2.

5.18.2 The green corridor and open space provision within the Scheme will support the conservation, restoration and enhancement of biodiversity in line with Policy 3, as well as the enhancement of green infrastructure in terms of Policy 20.

5.18.3 The new homes will include low / zero carbon technologies in line with Policy 11.

5.18.4 The provision of community facilities such as local retail will contribute to the principle of local living in terms of policy 15 and meets the terms of retail Policy 28(c).

5.19 The Regeneration Area is primarily designated as a General Urban Area within the LDP. General Urban Area policy PP3 Purpose of Place aims to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with their residential character and encouraging diversity in more mixed-use areas. The policy is supportive of redevelopment 'in principle'. Furthermore, the Phase 1 area of the Regeneration Area is actively promoted for residential development, being designated under the Policy PROM LOC 3 Housing Development Sites.

5.20 The LDP states at p24 that *"Regeneration proposals emerging from the North Lanarkshire Council Ambition and Economic Regeneration Delivery Plan will be brought forward during the Plan Period, including Housing regeneration/re-provisioning (including residential towers and Gowkthrapple)."*

5.21 The LDP also contains more detailed technical assessment policies against which development proposals are considered - policies EDQ1 Site Appraisal, EDQ2 Specific Features for Consideration and EDQ3 Quality of Development. It is considered that an appropriately designed proposal for the scheme aligned with the Gowkthrapple Regeneration Masterplan Framework and the PPP requirements would be capable of meeting the detailed requirements of these technical policies and that there are no known "showstoppers".

5.22 The LDP in its then emerging form was treated as a material consideration when the applications for PPP and MSC were assessed and then approved in 2022. This further supports the conclusion that an appropriately designed Scheme in line with the PPP is likely to be compliant with the LDP.

5.23 The principle of the Scheme is already established and is in keeping with the development plan. In light of the above, it is concluded that a detailed design of the Scheme which is consistent with the PPP and the Gowkthrapple Regeneration Masterplan Framework will generally accord with the development plan.

#### 5.24 **Other Policy and Strategies**

##### Plan for North Lanarkshire (Plan)

5.25 The introduction to the Plan notes that the Council has big ambitions in terms of realising large-scale regeneration and infrastructure projects that will continue to bring fresh opportunities.

5.26 Priorities of the Plan include improving the health and well-being of North Lanarkshire's communities.

5.27 The Plan sets out various Ambition Statements, which include improving economic opportunities and outcomes. The first limb of the latter is "*to ensure a housing mix that supports social inclusion and economic growth*".

##### Economic Regeneration Delivery Plan 2023-28 (ERDP)

5.28 The ERDP supports the Programme of Work for the Plan for North Lanarkshire (see below). It has 4 key goals including *developing*

*housing that promotes improved quality of life and creates a better place to live.*

5.29 The ERDP notes that in 2018, the Council pledged to deliver 5,000 affordable homes by 2035. This is not simply about delivering new properties but also about creating improved quality of homes following through on commitment to replace ageing tower blocks with modern, energy efficient and accessible properties, whilst recognising that young people, families and the elderly need the right homes in the right places.

##### Local Housing Strategy 2021-26 (LHS)

5.30 Table 2 within the LHS notes the successes achieved through the previous local housing strategy (2016-21) which include commencing the re-provisioning programme for multi-storey towers and low demand low rise flats. The programme in question includes the Regeneration Project.

5.31 The LHS notes (p34) that the re-provisioning programme aims to demolish and replace low demand and unsuitable housing stock. The issue of low demand stock is discussed further at p58 of the LHS which states that –

*"We carry out low demand analysis annually to identify areas of low demand housing stock and help set out an action plan to address low demand. The evidence tells us that there are pockets of low demand council properties across North Lanarkshire that continue to cause management and maintenance issues. These are predominantly flatted properties in areas with below*

average pressure on social housing and include several multi-storey flats, which have continued to decline over recent years, an important factor influencing the tower re-provisioning programme. We also know from our current low demand analysis that there a number of inter-related and complex factors that influence low demand and work is ongoing currently to help identify new measures which could more accurately inform our understanding of low demand council stock across North Lanarkshire.

*Making the most of our housing assets is of importance if we are to realise our shared ambition. The council's housing asset management plan 'Homes Fit for the Future 2021-2026' sets out the importance of effective strategic asset management which includes addressing low demand stock through systematic options appraisal. Work is being progressed as set out in this plan to comprehensively review our approach to managing council housing and this will help identify further ways in which to address low demand stock."*

5.32 Key issues and challenges identified within the LHS (p67) include addressing pockets of low demand stock. The LHS goes on to state that –

5.33 *"This is being addressed in part through the Tower Re-provisioning Programme but also requires a longer-term approach to address low demand and inform investment decisions....The Tower Re-provisioning Programme is progressing well with phase 1 well underway.*

*Further consultation and research will be required to inform to subsequent phases."*

5.34 Key actions identified include –

5.34.1 Develop and deliver the Tower Re-provisioning programme and

5.34.2 Tackle low demand issues in Council stock (carried forward from the previous local housing strategy<sup>4</sup>).

Local Housing Strategy Annual Progress Report 2023 (Progress Report)

5.35 The Progress Report discusses progress made on Phase 1 of the Re-provisioning programme, and states that, in 2022/23 the Council demolished or was in the process of demolishing 831 properties with a spend of £24.3m across the Towers Reprovisioning Programme. The Progress Report goes on to state that the Council is on site at various locations, including Gowkthrapple low rise in Wishaw.

## **Funding**

5.36 Provision has been made within the Council's Housing Revenue Account to fund the purchase of the CPO Land which will be contained within the budget for the Open Market Purchase Scheme.

5.37 If the Order Land can be acquired, the Council will then market the Scheme Land and work with development partners to bring forward an application for detailed planning permission or approval of matters specified in conditions. At this point, grant funding from

<sup>4</sup> The Local Housing Strategy 2016-21 contained a section entitled Key Issues and Priorities Identified through Evidence and Consultation, which stated that "within our stock there are pockets

of low demand housing and we will continue to look at options to address low demand, including where justified, demolition and re-provisioning".

the Scottish Government will be sought to deliver affordable homes within the Scheme.

5.38 It is reasonably indicated that Scottish Government More Homes Grant funding will be awarded given previous funding made available for the regeneration of Gowkthrapple (e.g. Housing Estate Regeneration Funding) in recognition of the issues identified and the need for intervention. Officers are in regular contact with Scottish Government officials within the More Homes Division in respect of the Regeneration Project.

### **Barriers**

5.39 As described above at section 10 detailed planning permission for the Scheme has yet to be obtained. For the reasons outlined in section 11 of this Statement, the Council considers that there are reasonable prospects of this being secured within a reasonable timeframe.

5.40 Funding requirements are addressed at section 12 above.

5.41 A development partner for the Scheme has not yet been secured. However based on interest expressed in the Regeneration Project to date by developers / registered social landlords, the Council reasonably anticipates that an appropriate partner will be secured within a reasonable period of time.

5.42 There are no other known barriers to the delivery of the Scheme.

### **Related Orders and Applications**

No other orders require to be obtained and no other applications require be made in order to deliver the Scheme.

### **Unknown Owners**

5.43 There are no unknown owners.

### **Special Considerations**

There is no special category land and no other special considerations known to the Council.

## **6 INSPECTION OF DOCUMENTS**

A copy of the CPO, the Map, and the documents referred to in the documents list appended to this Statement of Reasons have been deposited at [ ] and may be seen there without payment of fee between the hours of [ ] on [ ].

## **7 CONTACT DETAILS FOR FURTHER INFORMATION**

7.1 For further information regarding the CPO and the Project, please contact -

7.1.1 [ ]

**THE NORTH LANARKSHIRE COUNCIL (99  
STANHOPE PLACE, WISHAW)  
COMPULSORY PURCHASE ORDER 2024**

**TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE ACQUISITION OF LAND  
(AUTHORISATION PROCEDURE)  
(SCOTLAND) ACT 1947**

**LIST OF DOCUMENTS ACCOMPANYING  
STATEMENT OF REASONS**

- 1 The North Lanarkshire Council (B714 No.1)  
Compulsory Purchase Order 2024
- 2 CPO Map
- 3 Statement of Reasons
- 4 Equalities impact assessment dated [ ]
- 5 [various committee reports]