

2021-74

6th April 2022

Patricia Beaton
Enterprise And Place
Planning and Place
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G67 1JW



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Dear Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED
ONLINE E-PLANNING REFERENCE 100546936-002**

ERECTION OF A RESTAURANT WITH DRIVE THROUGH (CLASS 3), PETROL FILLING STATION (SUI GENERIS) WITH ANCILLARY SHOP (CLASS 1), ELECTRIC VEHICLE CHARGING POINTS, CAR WASH, HGV WASH, INTERNAL ROADS, LANDSCAPING AND DRAINAGE (WITH FULL-SITE SUDS)

LAND SOUTH OF JUNCTION OF LANCASTER AVENUE AND, BELLSIDE ROAD, CHAPELHALL, NORTH LANARKSHIRE

We are instructed by Grove Retail Ltd to submit this full planning application for the above proposed development. This is a proposal for land within the red line boundary as shown, and is not a full proposal for a larger area of land which already has the benefit of Planning Permission in Principle (PPP) ref 18/00266/PPP granted by North Lanarkshire Council on 28th January 2022. However the PPP consent carries significant material weight in the planning assessment.

Please note that all documents submitted under online e-planning reference 100546936-001 should be novated across to this submission with the exception of a new replacement planning application form, re-dated landowners certificate and this cover letter which will follow on a Planning Statement to explain and justify the submitted proposal. These updated documents are submitted only.

The proposal is to bring forward development of a restaurant with drive through, alongside a petrol filling station with car wash, HGV (heavy goods vehicle) wash and ancillary shop. The detailed drawings proposing these land uses, the buildings and operational works required to develop the land are also supported by a number of technical reports submitted.

The proposed development is as laid out, designed and technical reports supporting various land uses and infrastructure requirements in the following drawings and reports:



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*Gray Planning & Development Limited, Town Planning Consultants. Company No. SC568143
Member of the Royal Town Planning Institute No. 42566*

Drive Thru use / building drawings

4007_PL_100_PROPOSED_GROUND_FLOOR_PLAN
4007_PL_101_PROPOSED_FIRST_FLOOR_PLAN
4007_PL_102_ELEVATIONS and 3D VIEWS
4007_PL_103_SECTIONS

Petrol Filling Station with ancillary shop use / building drawings

4007_PL_200_-_PROPOSED_GROUND_FLOOR_PLAN
4007_PL_201_-_PROPOSED_ELEVATIONS_SHEET_1
4007_PL_202_-_PROPOSED_ELEVATIONS_SHEET_2
4007_PL_203_-_PROPOSED_3D_VIEW_SHEET_1
4007_PL_204_-_PROPOSED_3D_VIEW_SHEET_2

Other land use and operations drawings

4007_PL_110_-_HGV_CANOPY
4007_PL_111_-_HGV_WASH_BAY
4007_PL_112_-_CAR_WASH_OFFICE
4007_PL_113_-_FORECOURT_CANOPY
4007_PL_114_-_CAR_WASH

The proposed layout of the site, and of the arrangements for these land uses and their access is shown in submitted drawings all prepared by AMCA Architects.

4007_PL_003_A_PROPOSED_SITE_PLAN_SHEET_1
4007_PL_004_A_PROPOSED_SITE_PLAN_SHEET_2
4007_PL_005_-_PROPOSED_CONTEXT_ELEVATIONS

Other reports supporting the planning application have previously been submitted under the same online reference 100546936-001.

- Landscape planting and maintenance schedule
- Proposed Landscape Layout
- Tree removal and protection plan
- Protected Species Survey update
- Transport Statement
- Drainage Strategy Report
- Ground Investigation Report
- Evidence of Scottish Water accepting of Pre Development Enquiry for water

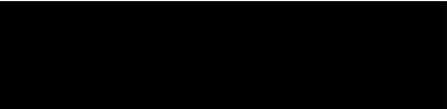
In terms of planning application fee, a fee was recently submitted under the e-planning reference for the amount of £4010 to cover the new floorspace to be created by the proposed development. As the floorspace is unaltered, and the fee was processed before the change to planning application fees on 1st April 2022, then respectfully there is no further fee due to North Lanarkshire Council to cover this planning application.

If you require any further assistance, please contact me.

Yours sincerely,



Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director
GRAY PLANNING & DEVELOPMENT Ltd



PLANNING STATEMENT

This is a full planning application for development of 1.26Ha of land at Lancaster Avenue / Bellside Road, Chapelhall. It provides details for the proposed buildings and engineering works required to construct and operate a petrol filling station with car and HGV wash (sui generis), an ancillary shop (Class 1) and a restaurant (Class 3) with ancillary drive through. All of the land engineering works required including drainage, earthworks and profiling, landscaping and internal roads is included in the planning application boundary.

The proposal is closely related to a previous planning permission in principle consent (reference 18/00266/PPP) which was recently updated and renewed under Section 42, by issue of consent on 28th January 2022. This PPP consent covers a larger land area and a wider range of approved land uses. The current planning application is to bring forward detailed plans for only the petrol filling station and car/HGV wash (sui generis), the ancillary shop (Class 1) and the restaurant (class 3) with ancillary drive through (sui generis) which were approved uses and scales of uses under the PPP consent.

The following are comments which support and justify the proposals:

- PPP consent 18/00266/PPP is a very strong material consideration in the assessment of this new planning application. It confirms the principle of the submitted proposed uses are acceptable at this location and confirms that the scale of these submitted proposed uses are also acceptable.
- The proposed development has stemmed from the existence of the PPP consent, in that the landowners had marketed the site with the benefit of the PPP consent to the commercial property market. The emergence of Grove Retail Ltd, as proposed developer of the planning application site is evidence that there is a willing and progressive market keen to develop at this site for the PPP approved uses. The nature of the proposed use, as a petrol filling station and restaurant with drive through are considered to be located (in the context of the wider PPP consent) in the most appropriate location –being fronted onto the Bellside Road and visible from Lancaster Avenue and from nearby A73/M8 interchange.
- The proposed development will generate new jobs –which were outlined in the PPP information submitted at that time. Whilst these are not jobs emerging from “employment” land uses conventionally within Use Class 4, 5 or 6 (for office, general industrial or storage and distribution uses), the jobs are service-related whereby a mixture of full and part time employment will be generated and will be additional to the existing pool of employment opportunities locally.
- The proposed development will result in land improvement to the planning application site specifically i.e. infrastructure associated with land remediation, earthworks and stabilisation, new landscaping and will improve the visual amenity of the approach into Chapelhall itself as a result.
- The proposed development, being the first part of the wider PPP consented site to come forward for approval in detail and for potential construction later in 2022, has already generated market interest from other operators and developers interested in progressing plans for the other parts of the PPP consented site. This in effect has created a catalyst for the regeneration of this part of Chapelhall and therefore the impact of the development must also be considered in terms of its deliverability and message that the location and the surrounding area is attractive to commercial developers –which justifies the Council’s decision to support the PPP proposals in the first place.
- The proposed development is supported by a detailed package of drawings, technical reports and information which are all to be read across from the various planning conditions which were matters reserved for further or future planning assessment at the time PPP consent was granted

by the Council. The information submitted is therefore itself a material consideration which should be weighted favourably in terms of support for the proposed development of the proposal site.

- In the determination of the PPP consent, the planning officer report of handling explains reason why the PPP proposal can be supported, stating “ *The proposal accords with the Strategic Development Plan and is considered to be an acceptable departure from the adopted Local Plan and emerging Local Development Plan. Impact on local centres is considered to be within acceptable limits and environmental impacts can be suitable mitigated through planning conditions*”
- In terms of the adopted Local Plan, the site is zoned as NBE 3A (Assessing Development in the Green Belt) and also EDI1 B3 (High Amenity Location). Other relevant policy includes DSP1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development), DSP 4 (Quality of Development), RTC 1A (Protecting the North Lanarkshire Centre Network), RTC 3 (Assessing Retail and Commercial Leisure Development). Supplementary Planning Guidance 07 (Green Belt) is also of relevance.
- Policy NBE 3A (Green Belt) seeks to protect the character of the Green Belt by restricting development to acceptable types such as agriculture, forestry, horticulture, telecommunications, renewables or appropriate outdoor recreation. This policy and the associated SPG contains a range of assessment criteria for determining acceptable development in the Green Belt including economic benefit, environmental impact, locational need and landscape impact. The uses proposed are not appropriate Green Belt uses and on this basis the proposal is contrary to NBE 3A and SPG 07. However the PPP consent is a strong material consideration which demonstrates that the range and type of uses was deemed appropriate to this location and the planning authority referred to the applicants’ detailed reports submitted to justify the departure.
- Policy EDI1 B3 (High Amenity Location) seeks to promote the site for a specialist industrial development. The uses proposed do not therefore accord with EDI1 B3 but as noted above this policy accepts the principle of development in this location. Furthermore, it is also noted that this designation has been in place for several years but there have been no high amenity development proposals brought forward on this site to date.
- Policy DSP 1 (Amount of Development) states that additions to land supplies for retail development of the scale proposed should be justified in terms of their impact on town centres, these being Ravenscraig, Motherwell, Cumbernauld, Airdrie, Coatbridge, Bellshill, Kilsyth and Wishaw. It is concluded that the impact on these centres will be small and within acceptable limits and therefore the proposal meets the terms of policy DSP1.
- Policy DSP 2 (Location of Development) supports urban regeneration by utilising brownfield land and maintaining clearly defined urban/rural boundaries. It also safeguards environmental assets, seeks to improve accessibility, maintaining urban and rural boundaries and safeguards the vitality and viability of Town Centres. The zoning of the site has established that development, and the subsequent loss of the site, is acceptable in principle under the right circumstances. The site is between the M8 and residential area of Chapelhall on a main route, and, whilst not brownfield, is within a heavily urbanised context and does not provide any agricultural or spatial function separating the urban and rural environs. In addition the site has little biodiversity value and no specific landscape features that would require to be safeguarded. As already detailed above, impact on town centres is considered to be limited and within acceptable limits. In terms of accessibility, it is accepted that the site scores relatively poorly in this respect and would depend to a great degree on the private motor car. On balance, taking the criteria into account and subject to the concerns relating to accessibility, it is considered that the proposal meets the terms of DSP 2

- Policy DSP 3 (Impact of Development) requires consideration of the impact of development on infrastructure or facilities and if any contributions would be required to contribute to the cost of improving such infrastructure or facilities.
- Policy DSP 4 (Quality of Development) seeks to achieve a high quality of development by taking into consideration the site and its surrounding context and the design, layout, size and scale of proposals. It requires proposals to effectively mitigate any adverse impact on the nearest residents in terms of noise, air quality and gives consideration to the impact of development on residential amenity and any Transportation issues. The application provides full details of the scale and type of buildings, their location, form and massing, the access and landscape setting, the means of drainage and the earthworks and land stability required to improve the land to make this a high quality location. The proposal is not therefore contrary to DSP 4 as the detailed matters submitted with this planning application demonstrate the quality of development and the mitigation measures proposed (for landscape, drainage, ground stability, access, biodiversity in particular
- Policy RTC 3 (Assessing Retail and Commercial Leisure Development) requires commercial developments of the scale proposed to be justified in terms of the following criteria:
 - Location of Development –Proposals for retail to be justified using a sequential approach, with first preference given to the most accessible established centres and thereafter for proposals to integrate with surrounding land uses and avoid sporadic development in less accessible locations. The information submitted to grant PPP consent demonstrated that a sequential approach had been followed . There are no available sites in any of the nearby commercial centres that would accommodate the proposal. In terms of how the proposal would integrate it is shown in the detailed plans how the new development would fit with its surroundings and potentially fit with the wider commercial uses planned for the remainder of the PPP consented site.
 - With respect to accessibility, there is a bus stop in close proximity with a relatively frequent service. The nature of the development and its location so close to junction 6 of the M8 is such that the majority of the business will be passing trade from motorists, however, there will be options to visit the site using different modes of transport and for residents of the local area to walk or cycle. Further full details of the Transport Accessibility and Strategy is submitted with this planning application. Taking the submitted information into consideration the location is considered to be acceptable.
 - Impact of Development - Evidence is required of no significant adverse impact on the vitality, viability and environment of the RTC 1 Centre Network, Town Centre Action Plans and the road network. As found in the information submitted to support the PPP consent, a Retail Impact Assessment had found no significant adverse impact on the vitality and viability of either the RTC 1 Centre Network, or the nearest Town Centres. The assessment included two likely retail scenarios, and, by analysing existing provision and available space along with demand within the catchment area concluded that the impact would be limited. It is accepted that the impact may be more pronounced on the nearby centre of Chapelhall, however, the planning authority agreed with the RIA that the impact would not be significant in this instance. In terms of Transportation matters the planning authority considered that the proposal would have an adverse impact The submitted Transportation Statement and drawings support the development in terms of accessibility impacts. Taking into account of the above it is not considered that the proposal would have a significantly adverse impact.
- Proposed Modified North Lanarkshire Local Development Plan 2021 –the Council has Intention to Adopt the replacement local plan 28 days from 31 March 2022. The new emerging plan therefore has material weight in the planning assessment.

With regard to compliance with planning conditions relating to the PPP consent, this should also form a material consideration in the planning assessment of this application. The relevant conditions in this case are Conditions 1, 4, 6, 8, 10, 11, 14, 15 and 18 of planning permission 18/00266/PPP.

1. That before development starts, a further planning application for approval of matters specified in condition (MSC) shall be submitted to the Planning Authority in respect of the following matters:-

- (a) the siting, design and external appearance of all buildings and other structures;
- (b) the means of access to the site;
- (c) the layout of the site, including all roads, footways, car and cycle parking areas;
- (d) the details of, and timetable for, the hard and soft landscaping of the site;
- (e) details of the management and maintenance of the areas identified in (d) above;
- (f) the design and location of all boundary walls, barriers and fences;
- (g) the provision of surface drainage works incorporating SUDS;
- (h) the disposal of sewage;
- (i) details of existing trees, shrubs and hedgerows to be retained;
- (j) details of existing and proposed site levels.
- (k) hours of operation

The details outlined above will be subject to consultation with statutory consultees including Transport Scotland.

The proposal is to bring forward development of a restaurant with drive through (Class 3), alongside a petrol filling station (sui generis) with car wash, HGV (heavy goods vehicle) wash and ancillary shop (Class 1). The detailed drawings proposing these land uses, the buildings and operational works required to develop the land are also supported by a number of technical reports submitted as follows:

Which show matters relating to parts a), b), c) and f) of Condition 1.

The overall design approach to these land uses and buildings is found in the submitted Design and Access Statement prepared by AMCA Architects.

Other matters relating to Condition 1, are found in further supporting documentation as follows:

Drainage Strategy Report incorporating provision of surface drainage works incorporating SUDs (to satisfy part g) of Condition 1 and sewerage disposal to satisfy part h) of Condition 1. Report prepared by Waterman Environment and Infrastructure.

Details of existing trees, shrubs and hedgerows to be retained (to satisfy part i), along with details of and timetable for the hard and soft landscaping of the site (part d) and the management and maintenance of the areas identified in (d), found in the submitted Landscape Plan, tree and root protection plans and proposed landscaping layout drawing, along with the timetable schedule for hard and soft landscaping works. Drawings and information prepared by Rankin Fraser Landscape Architects Ltd.

Details of existing and proposed site levels are found in the submitted Drainage Strategy Report appending existing and proposed site level drawings, to satisfy part (j) of Condition 1. Report prepared by Waterman Environment and Infrastructure.

In terms of satisfying point (k), the applicant confirms proposed hours of operation of the Petrol Filling Station with shop, and drive through restaurant will be 24 hours.

With regard to means of access to the site, to satisfy part (b) of Condition 1, there is already an existing roundabout with access arm formed into the proposal site. A separate Road Construction Consent for detailed design of the proposed main spine road, as shown in the indicative site layout will be submitted separately. The proposed access road to serve the proposed development in this planning application will be taken directly from the existing site access road. Further details of the proposed internal access roads is found in the submitted Transportation Statement prepared by Land Use Consultants Ltd.

4. That notwithstanding the terms of condition 1 above, BEFORE any works of any description start on the application site, a scheme of intrusive site investigations in relation to the mineral stability shall be submitted to and approved in writing by the Planning Authority. Depending on the results of the investigations, a detailed Remediation Strategy may be required and this shall be submitted to and approved in writing by the Planning Authority prior to any works being undertaken.

The proposals for intrusive site investigations relating to mineral stability had previously been discharged.

The submitted correspondence dated 12th August 2021, from Patricia Beaton to Gray Planning & Development confirms this. The re-submission of this information is therefore not required, however the information can be provided if required to satisfy the new PPP terms.

6. Notwithstanding the terms of condition 1 above, before any works start on site, unless otherwise agreed in writing with the Planning Authority, full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the Planning Authority following consultation with Transport Scotland and shall be certified by a chartered civil engineer as complying with the most recent SEPA SUDS guidance.

Full details of the proposed surface water drainage scheme is found in the submitted Drainage Strategy Report prepared by Waterman Infrastructure and Environment. This is a written explanation including calculations for the proposed surface water scheme. Supporting that are appendices in the report which provide detailed site layout for the proposed SUDs and connections.

Please note the proposed SUDS scheme submitted within this planning application is designed to provide the drainage capacity for development of the entire wider site (i.e. the extent of land granted Planning Permission in Principle under reference 18/00266/PPP) –and the first development as proposed in this submission will connect to the SUDs and calculations have been performed to show this is achievable and agreement is in place with the applicant as landowner to connect into this system, with the adjacent landowner.

8. Notwithstanding the terms of condition 1 above, before any works start on site, 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.

Written confirmation that all the requirements of Scottish Water can be fully met is submitted with this planning application. Please refer to document reference Condition 8 –which is a letter from Scottish Water to Waterman Environment and Infrastructure dated 25th August 2021 confirming satisfactory arrangements.

10. Notwithstanding the terms of condition 1 above, the scheme of landscaping 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.

Thereafter, the proposed landscaping shall be carried out in accordance with the terms of this condition

11. Notwithstanding the terms of condition 1 above, before any works start on site, 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;
- b) the proposed parking areas;
- c) the proposed external lighting;
- d) the proposed grassed, planted and landscaped areas;
- e) the proposed fences.

For Conditions 10 and 11, the information submitted to address matters has been prepared by Rankin Fraser Landscape Architects Ltd. In addition, details relating to earth moulding (point a of Condition 10) is found within the Drainage Strategy Report proposals for proposed earthworks and levels. In relation to point c of Condition 10, the landscape architect information has also been informed by the renewed Ecological Impact Assessment (see Condition 13) which has been completed to comply with the terms of Condition 14 which required such surveys to be renewed after the passage of 12 months or more since the issue of planning consent. A detailed timetable for the proposed landscaping works relative to the proposed development is also submitted to comply with Part d of Condition 10 and Condition 11.

14. That should 12 months or more elapse between the date of the ecological surveys approved as part of this permission, and development commencing, further surveys shall be undertaken on the site to determine the presence of any statutorily protected species, the said survey shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the study, should any remediation measures be required for the relocation or protection of any protected species, these shall be implemented in accordance with a timetable agreed in writing with the Planning Authority in consultation with Scottish Natural Heritage before works commence on the site.

For Condition 14, an updated Ecological Impact Assessment has been prepared by Mabbett and submitted with this planning application.

15. 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.

A detailed site investigation report prepared by Mason Evans Partnership has been submitted to address the requirements for Condition 15.

18. That BEFORE any works of any description start on the application site a programme of Archaeological works to establish the presence or absence of cultural heritage remains is submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the programme shall consist of trial trench evaluation. In the event of any remains being uncovered then no works shall take place until suitable mitigation is agreed in writing by the Planning Authority. Any mitigation shall thereafter be implemented in accordance with a timetable to be agreed in advance.

For Condition 18, previous archaeological evaluation report was approved and condition discharged by the planning authority. A copy of correspondence confirming this matter had been satisfied is submitted with this planning application.