

Report

12

Report to:	Planning Committee
Date of Meeting:	23 January 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CR/06/0362
Planning Proposal:	Erection of 78 dwellinghouses (53 within South Lanarkshire; 25 within Glasgow City) with associated roads and landscaping

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : West of Scotland Housing Association
- Location : Fernhill Phase 1A
Rutherglen

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on Conditions Attached)

2.2 Other Actions/Notes

Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: John Gilbert Architects
- ◆ Council Area/Ward: 65 Fernhill
- ◆ Policy Reference(s): Cambuslang/Rutherglen Local Plan 2002
Policy RES9 – 'Residential Land Use'

South Lanarkshire Local Plan (Finalised Draft)
Policy STRAT 1 – 'Regeneration Priorities
Policy'
Policy ENV2 – Green Network Policy'
Policy ENV30 – New Housing Development
Policy'

◆ Representation(s):

- ▶ 2 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Glasgow City Council, Planning Dept., D C South Team

Rutherglen Community Council

Roads and Transportation Services (North Division)

Scottish Water

Planning Application Report

1 Application Site

- 1.1 In its entirety the development site relates to an area of ground, between Castlefern Road, Fernhill and Tormusk Road in Castlemilk, Glasgow. The site is approximately 2 miles to the south of Rutherglen. It is bounded to the south by open space and Blairbeth Golf Course and residential areas on all other sides. The boundary between South Lanarkshire Council (SLC) and Glasgow City Council (GCC) cuts through the development site and a section of it is within Glasgow City Council's boundary, and is owned by them. This application relates to the portion of the development located within SLC's boundary.
- 1.2 The site is bounded by three roads – Colvend Drive and Fernhill Road on the South Lanarkshire Council side and Tormusk Road on the GCC side. A remote footpath runs along the south of the site connecting Castlefern Road and the bus stop on Tormusk Road.
- 1.3 The site is currently vacant and slopes down from east to west and rises towards its southern edge. In the heart of the site is a tree-topped mound which consists of clay. A stone built wall runs along the western edge of the site. This may represent an old estate boundary.

2 Proposal(s)

- 2.1 The application submitted to SLC seeks detailed planning permission for the erection of 53 residential dwellings, associated roads layout and landscaping. The residential provision will include a mix of new two storey houses and cottage flats with a mix of those which are socially rented and those which are in shared equity. This part of the proposal will also include 160 sqm of play space and 1110 sqm of green space. The application also describes proposals for the management of trees. As part of the proposed development is within the GCC boundary they have received a separate planning application for 25 houses, bringing the total development to 78 residential dwellings. In addition to the houses, the GCC portion of the site will include 220 sqm of play space and 6000 sqm of green space.
- 2.2 This proposal is the first in a series of applications likely to be submitted for Fernhill as part of the wider initiative for the regeneration of the Fernhill area being pursued by SLC. This is being taken forward as a partnership between SLC and West of Scotland Housing Association (WoSHA). In addition to providing new housing, the aim of the proposal is to tackle anti-social behaviour problems, increase security and provide an improvement in the quality of the local amenities and public spaces.

3 Background

3.1. Local Plan Status

- 3.1.1 In the Cambuslang/Rutherglen Local Plan 2002, the site falls within a Residential Land Use Policy Area (RES9) which states that all proposals must not have a detrimental impact on residential amenity.
- 3.1.2 The South Lanarkshire Local Plan (Finalised Draft) is also a material consideration in this instance. The site is zoned as a Green Network Policy Area (ENV2) in this plan. In addition, policies STRAT1 (Regeneration Priorities Policy) and ENV30 (New Housing Development Policy) are relevant.

3.1.3 South Lanarkshire Council Residential Development Guide (Revision No.1 October 2001) emphasises the need for developments to reflect the scale and character of surrounding areas and respect existing urban forms. It also recommends standards for garden sizes, space between boundaries and protection of privacy.

3.1.4 The guidelines recommend that recreational provision for large housing sites (51-100 houses) is:

- (a) provision of one play area
- (b) provision of modern games court
- (c) provision of a youth space facility

3.2 Relevant Government Advice Policy

3.2.1 The Scottish Planning Policy 3 'Planning for Housing' highlights the importance of choice and good quality design and landscaping. Also, encouragement should be given towards the creation of safe pedestrian routes from new housing sites to surrounding areas.

3.2.2 Planning Advice Note 67 'Housing Quality' advises that a development should take account of topography, surroundings, site drainage and ease of pedestrian and vehicular movement. Consideration should be given to finishes, materials and maximisation of daylight.

3.3 Planning Background

3.3.1 The application is the result of a planning brief which was drawn up by SLC, in consultation with the Planning Service in Glasgow. The preparation of the brief was also part of the development process led by the Regeneration Partnership involving SLC, WoSHA and the Fernhill Steering Group. This group has been working together on the redevelopment of Fernhill for three years. The application represents the outcome of this part of their work.

4 Consultation(s)

4.1 **Roads & Transportation Services** – no objections subject to the imposition of conditions relating to visibility, access, parking and surface water drainage

Response: These details will be conditioned where possible; however most of these issues will be covered by the Construction Consent.

4.2 **Environmental Services** – conditions should be attached relating to contaminated land.

Response: Noted. These will be attached.

4.3 **Scottish Water** – no objections subject to the applicant reaching agreement with Scottish Water on connecting to the public waste water system. A SUDS service should be installed to deal with surface water drainage.

Response: Noted. A condition requiring a SUDS system will be attached.

4.4 **Glasgow City Council** – no response to date

4.5 **Rutherglen Community Council** – no objections.

Response: Noted

4.6 **Roads & Transportation Services (Flooding)** - no response to date.

5 Representation(s)

5.1 Following statutory neighbour notification, 2 letters of objection have been received; one of which was accompanied by a petition signed by 37 residents of Castlemilk. The points raised are summarised as follows:

- (a) **There has been no consultation with the residents of Tormusk Road from WoSHA or their agents.**

Response: The houses in Tormusk Road did not need to be neighbour notified as they were too far away from the application site. WoSHA however have now formally consulted with these residents, in respect of the portion of the development site within the GCC boundary, through the Glasgow Housing Association (GHA) and Ardenglen Housing Association (AHA).

- (b) **If approved the proposals would have a major impact on the enjoyment of the properties in Tormusk Road.**

Response: The proposal as a whole seeks to make a positive impact on these properties by virtue of its good design; and the removal of an area of open ground, lying between the communities of Fernhill and Castlemilk, regularly associated with significant levels of anti-social behaviour, as indicated in Section 6.

- (c) **SLC has alternative sites in Fernhill which could have been used but have been sold off. This would avoid the need for using any GCC land.**

Response: The development of this site is an opportunity to physically improve this area, integrate it into the neighbouring community and remove anti-social behaviour problems. By developing the whole site, part of which is owned by GCC, the full benefits arising from this development opportunity can be realised.

- (d) **SLC should have involved AHA if they were so keen to develop the site. They have chosen an organisation based in Hamilton with no local connection or understanding of the local issues.**

Response: The majority of the site is in South Lanarkshire, and the development is part of the Fernhill initiative being pursued by SLC. The choice of the developer reflects these factors. Nevertheless, the choice of developer is not a matter that is relevant to the consideration of the application.

- (e) **The whole process is grossly unfair as the residents of Tormusk Road have not had a say in the South Lanarkshire Local Plan.**

Response: The part of the development site bordering Tormusk Road is covered by the Glasgow City Plan, and the application for this section of the site will be considered by GCC. Furthermore the residents in Tormusk Road are not barred from commenting on the South Lanarkshire Local Plan at any stage in its preparation.

- (f) **The proposal is contrary to a number of policies in the Glasgow City Plan.**

Response: This is a matter for GCC. A copy of these representations has been sent to GCC by SLC.

- (g) **The proposal will impact negatively on the natural environment and residential amenity of Castlemilk residents.**
Response: The residents of Castlemilk are not directly affected by the part of the application which is in South Lanarkshire; nevertheless the development does include a significant amount of landscaping, particularly along the boundary facing Castlemilk, and will improve access and public safety within this area of open space. Furthermore, the houses have been designed to comply with SLC policy on residential amenity, as is discussed in Section 6.0. These criteria are very similar to those applied by GCC.
- (h) **The proposal will increase traffic on Fernhill Road which is already a busy access road into Castlemilk.**
Response: The site can be accessed from more than one location. The Roads and Transportation Service have not objected to the part of the development which is in SLC.
- (i) **The proposed retaining wall on Tormusk Road will result in the loss of visual amenity and does not match the local character of the area.**
Response: Following a meeting with the Castlemilk Environmental Trust, the proposal has been altered to retain the existing stone wall and erect a new greened permacrib embankment behind the stone wall. The 1800mm metal fence is aimed at improving security.
- (j) **Both planning authorities should take due consideration of the impact to Glasgow.**
Response: SLC have been consulted on the application to GCC and vice versa.
- (k) **There are serious planning implications for a development proposed across two local authority areas. Legal advice will be sought regarding this.**
Response: The planning process is being applied appropriately and correctly in this instance. The consequences that there are for the provision of the full range of Local Authority services, where a site is split between councils, is already being considered by GCC and SLC. In addition the potential for adjusting the boundary between the Councils, to bring the site into SLC, is also being considered by Legal services. This, however, is not material to the consideration of the development.
- (l) **The proposals will result in a loss of outlook.**
Response: Loss of view is not a material planning consideration.
- (m) **The anti-social behaviour issue does not just affect the SLC side of the boundary, but the GCC side of the boundary. Therefore discussions should have been undertaken with both communities. There is no mention of funding for CCTV coming from the applicant and the current CCTV is already funded by the tenants of AHA.**
Response: I would agree that the anti social behaviour will affect both communities and it is intended that by building on the site that this will design out the problems and take away an open area that currently acts as a focus for anti social behaviour. The CCTV is currently based in Glasgow and would continue, however WoSHA plan to install further CCTV on the SLC side in discussion with SLC, which will compliment the existing CCTV.

- (n) **A tree survey should have been done prior to the application being lodged.**

Response: A tree management plan will be carried out as part of the approved landscaping plan.

6 Assessment and Conclusions

- 6.1 The determining issue in this instance is the proposal's compliance with current and proposed local plan policy. Policy RES9 – Residential Land Use, aims to protect the character and amenity of residential areas while supporting, in principle, compatible uses. The policies, therefore, are aimed at resisting proposals which will detract from their character and amenity and supporting development which satisfies the following criteria:
- (a) The proposed development relates satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use;
 - (b) The character and amenity of the area is not impaired by reason of traffic generation, parking, visual intrusion, noise, emission of gases and particles;
 - (c) There is no resultant loss or damage to spaces, trees, bushes or hedgerows that made a significant contribution to the character or amenity of the area;
 - (d) The development is adequately services in terms of cycle, pedestrian and vehicular access, parking and accessibility to public transport.
 - (e) There is no detrimental effect on public safety.
- 6.2 In terms of the adjacent and surrounding development, the proposal will result in the redevelopment of an area of vacant ground. It will consist of the construction of modern detached, semi-detached, terraced and flatted dwellings. Each property will be offered garden ground in excess of what is provided currently to adjacent properties and will meet what is required by the Residential Development Guide. . The materials on the housing proposed will be in keeping with the surroundings whilst allowing the site to develop a new identity in what is a prominently located part of Rutherglen. Although the sloping topography in the site is such that a number of houses will be higher than the neighbouring properties that adjoin them, the layout and design of the houses has taken account of this in order to prevent privacy or overlooking problems arising.
- 6.3 In terms of character and amenity, with specific regard to traffic generation, visual intrusion and noise, given that the site is currently under used and vacant there will be an increase in the number of people using it. Nevertheless, the proposed design and layout of the site, and the houses, is such that I do not consider the development will have an adverse impact on the appearance of this area. Similarly, as the majority of the new houses will have their own individual parking area within each plot, and Roads have not objected to the development, I do not believe that there will be a significant adverse impact on amenity arising from traffic generation or parking. Finally I do not consider that a residential development will generate a level of noise likely to disturb the amenity of neighbouring residents.
- 6.4 As regards open space and landscaping, generous landscaping will be retained throughout the site and a tree management scheme will be adopted. In addition, in response to discussions with the Steering Group, and in order to reflect the position with the houses being retained throughout Fernhill, side garden fences have been incorporated into the development. The historic retaining wall between the site and Tormusk Road will be retained and an additional greened permacrib embankment

will be built behind it. A 1800mm fence will be erected on the rear boundaries of the houses at this location to provide added security. As part of the development, a play facility will be formed on both the GCC side and the SLC side. While as part of the overall Fernhill Regeneration, it is anticipated that further community facilities will be constructed in the area.

- 6.5 In terms of access through the site, the existing footpath to the south of the site will be upgraded and improved. The design and orientation of the houses is such that what is currently a remote footpath will be overlooked throughout almost its entire length. This footpath will maintain and improve a link between Castlemilk and Fernhill and allow people living in Fernhill to retain a convenient access to public transport.
- 6.6 As regards public safety, the development of the site in itself will help to reduce anti-social behaviour. Whilst the site is currently open space, it has become a magnet for significant levels of antisocial behaviour. A problem identified by the local residents themselves. The development of the site will effectively “design out” many of these problems and will provide all its residents with the ability to more effectively supervise the area. In light of all these issues, the proposal complies with both current policies relating to residential land use.
- 6.7 The proposal is, therefore, in accordance with the appropriate approved Local Plan Policy. Furthermore, in total it will result in the major redevelopment of an existing residential estate providing 78 new houses of high quality and associated road network changes that will improve traffic flow and road safety. This presents an opportunity not only to enhance the quality of the environment for the residents but also to start the process of improving and regenerating their community. With regard to the recommendations set out in the South Lanarkshire Council Residential Development Guide, the total development will incorporate 400 square metres of formal play space and over 7,000 square metres of green space. I am satisfied that, having regard to the site’s location and the wider aims of the Fernhill project, this represents a suitable level of recreational provision.
- 6.8 In terms of the Draft SLLP - Policy ENV2 – Green Network Policy states that development which is likely to have an adverse effect on the site’s connectivity to other green places or as an amenity, will not be supported. Loss of the area in whole or in part will only be permitted where it can be demonstrated that development will enhance the existing situation in respect of wildlife, biodiversity, townscape quality and character, amenity and access. The site has incorporated landscaping and green space within its design that is related well to the existing green space network and can ensure that where appropriate the site retains, at least in part, its role as a green link. In addition to this, the improved physical improvement of the housing stock and improved road network will enhance the townscape quality. It is also important to balance any benefits associated with the site’s current undeveloped status against the very significant difficulties experienced by the local community, in both Fernhill and Castlemilk, as a result of its use for antisocial behaviour. The redevelopment of the site for housing will address these latter problems. Finally it is important to stress that the site is identified for residential land use in the adopted local plan.
- 6.9 Policy STRAT1 relates to the Regeneration Priorities Policy. This policy sets out the Local Plan’s priorities for regeneration and has identified 15 communities within South Lanarkshire which have been classed as Neighbourhood Management Areas.

Fernhill has been chosen as one of these. The development has come about through the kind of work with the local community the policy encourages.

6.10 Policy ENV30 – New Housing Development Policy states that all new housing developments should make a positive contribution to the character and appearance of the urban environment. Residential developments require to:

- (a) respect the local context and provide appropriate character, layout, massing scale and proportion;
- (b) be of a high quality design;
- (c) ensure that archaeological, built heritage, landscape features and wildlife interests are identified;
- (d) address sustainable development issues;
- (e) make provision for cycle and pedestrian routes and access to public transport and community facilities;
- (f) ensure appropriate provision of public and private open spaces;
- (g) ensure provision of appropriate roads layout and provision for parking;
- (h) ensure there is no conflict with adjacent land users;
- (i) meet the highest standards of accessibility and inclusion by virtue of their location;
- (j) incorporate crime prevention and community safety considerations;
- (k) minimise the generation of waste.

6.11 The proposal appropriately addresses each aim of Policy ENV30 respectively:

- (a) it provides properties of a similar style to those in the vicinity whilst updating and improving the methods of construction;
- (b) it improves the quality of design, including the use of materials and introduction of more colour;
- (c) no archaeological, built heritage, landscape features and wildlife interests were identified;
- (d) sustainability has been addressed through the proposed drainage scheme;
- (e) an existing footpath has been improved to maintain access to public transport and community facilities;
- (f) a large green area provision has been made throughout the proposed development;
- (g) the road layout meets the Council's Roads and Transportation guidelines;
- (h) the proposal has been designed to blend in to the existing land uses e.g. the road layout and has taken account of details such as window to window distances;
- (i) and (j) the development has been designed to maximise overlooking to public spaces, it has improved access and has effectively removed an area with anti-social behaviour problems;
- (k) the site lends itself to the safe collection of waste.

6.12 The 25 houses which are located within Glasgow City Council's area are subject to the relevant policies in the Glasgow City Plan. An application for that part of the development is currently being considered by GCC.

7 Reason for Decision

7.1 The proposal has no adverse impact on residential or visual amenity and complies with Policy RES9 of the Cambuslang/Rutherglen Local Plan and Policies RES6, STRAT1 and ENV30 of the South Lanarkshire Local Plan (Finalised Draft). In terms

of Policy ENV2 of the Draft SLLP its use for housing will not have a significant or materially adverse effect on the site's links with other green spaces or use as an amenity. The proposal also meets the aims of the South Lanarkshire Council Residential Development Guide.

Iain Urquhart
Executive Director (Enterprise Resources)

16 January 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Cambuslang/Rutherglen Local Plan 2002
- ▶ South Lanarkshire Local Plan (Finalised Draft)
- ▶ South Lanarkshire Council Residential Development Guide (2001)
- ▶ Neighbour Notification Certificate dated 08/11/06

- ▶ Consultations
 - Roads and Transportation Services (North Division) 20/12/06
 - Rutherglen Community Council 16/11/06
 - Environmental Services 01/12/06
 - Scottish Water 12/12/06

- ▶ Representations
 - Representation from : Ardenglen Housing Association Ltd, 355 Tormusk Road
Castlemilk
Glasgow G45 0HF, DATED 22/11/06
 - Representation from : Betty Clements, 234 Tormusk Road, 2/2
Castlemilk
Glasgow G45, DATED 22/11/06

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Iain Morton
(Tel :0141 613 5138)
E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 3 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 4 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 5 That no development shall begin until a full intrusive survey has been carried out and its findings submitted to and approved in writing by the Council as Planning Authority. This survey shall investigate all aspects of potential contamination indicated by a Phase 1 Investigation (Desk Study) of the site. The report of the investigation shall clearly document the methodology, findings and results. The risk posed by the presence of pollutants in relation to sensitive receptors shall be assessed to current guidelines and, where appropriate, recommendations for further investigations or remediation options to reduce the risks identified.
- 6 Analytical or investigatory work used to support the conclusions of the survey required by condition 6 above shall include all results, logs etc and information regarding the methodology and Quality Assurance Systems used. Greater credence will be given to analytical work undertaken by organisations that participate in the CONTEST SCHEME or are UKAS accredited in relevant areas.
- 7 That prior to the commencement of development works on site, the developer's reports of 'Site Investigation' , 'Risk Assessment' and Remediation Options and the final Remediation Plan' shall be submitted to the Council as Planning Authority, for written approval.
- 8 That changes to the approved Remediation Plan may only be made with the written agreement of the Council as Planning Authority. Occupation of premises shall not be permitted until remediation/control measures are fully implemented.
- 9 That on completion of all remediation works, a Completion Report shall be submitted to the Council as Planning Authority confirming the works have been carried out to the agreed plan.
- 10 That before the development hereby approved is completed or brought into use,

the new vehicular access shall be constructed with a 6.0 metre radius kerb and a 5.5 metre wide carriageway and so far as it lies within the boundaries of the road abutting the site shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

- 11 That before the development hereby approved is completed or brought into use, a private vehicular access or driveway of at least 6.0 metres in length shall be provided and the first 2.0 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 12 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 13 That before the dwellinghouse hereby permitted is occupied, 2 car parking spaces shall be provided within the curtilage of the plot and out with the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 14 The surface of the driveways proposed shall be so trapped and finished in hard standing as to prevent any surface water or deleterious material from running onto or entering the highway.
- 15 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 16 That none of the garage driveways shall have a gradient in excess of 1:10.
- 17 That all dwellinghouses without garages shall have driveways with a minimum length of 12 metres measured from the heel of the footway/service strip and the first 2 metres of each driveway as measured from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the public footway and/or carriageway.

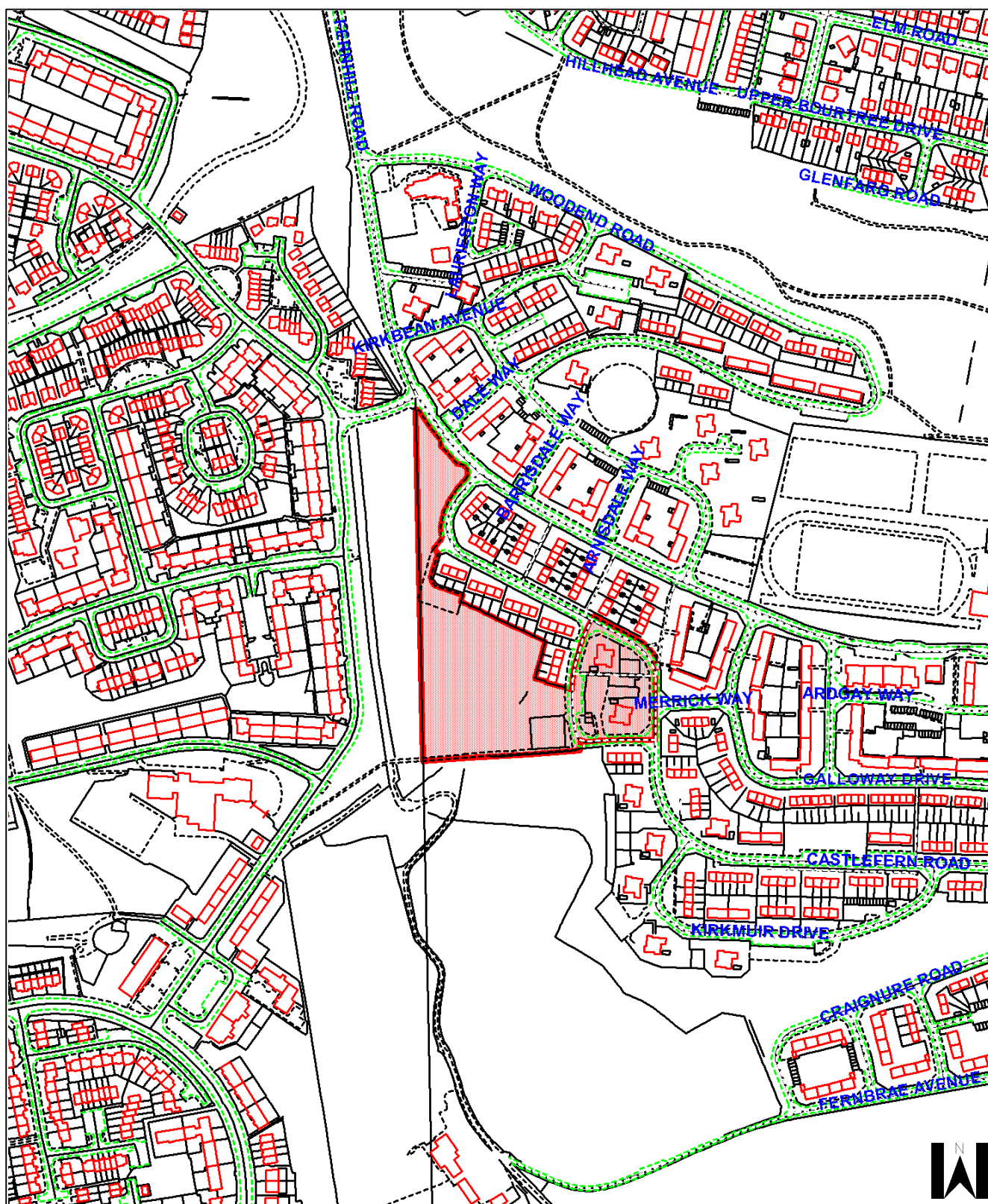
REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To ensure the site is free from contamination and suitable for development.
- 6 To ensure the site is free from contamination and suitable for development.

- 7 To ensure the site is free from contamination and suitable for development.
- 8 To ensure the site is free from contamination and suitable for development.
- 9 To ensure the site is free from contamination and suitable for development.
- 10 In the interest of public safety.
- 11 In the interest of public safety.
- 12 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 13 To ensure the provision of adequate parking facilities within the site.
- 14 To prevent deleterious material being carried into the highway.
- 15 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 16 In the interest of public safety.
- 17 In the interest of public safety.

For information only

For information only



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 South Lanarkshire Council, Licence number 100020730. 2005