

# Report

**3**

Report to:	<b>Cambuslang and Rutherglen Area Committee</b>
Date of Meeting:	<b>15 April 2008</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CR/07/0252
Planning Proposal:	External Alterations/Refurbishment of Front/Side Elevations and Installation of Six, Wall Mounted Air Handling Units at Rear

## 1. Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Clydesdale Bank
- Location : 203/205 Main Street  
Rutherglen

## 2. Recommendation(s)

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

- (1) Grant detailed planning consent subject to the conditions attached

### 2.2. Other Actions/Notes

The Area Committee has delegated powers to decide this application

## 3. Other Information

- ◆ Applicant's Agent: The Richard Gibb Consultancy
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): **Cambuslang/Rutherglen Local Plan (adopted) 2002**  
Policy COM 1 – Town and Village Centre Land Use Policy  
Policy COM 6 – Core Retail Area Policy  
Policy ENV 9 – Conservation Area Designation  
Policy ENV 10 – Conservation Area Enhancement  
**South Lanarkshire Local Plan (finalised with modifications) 2007**  
Policy COM 1 – Town Centre Land Use Policy  
Policy COM 2 – Core Retail Area Policy  
Policy ENV 8 – Conservation Area Proposal  
Policy ENV 24 – Conservation Area Policy

- ◆ Representation(s):
  - ▶ 6 Objection Letters
  - ▶ 0 Support Letters

▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

## **Planning Application Report**

### **1. Application Site**

- 1.1. The applicants, The Clydesdale Bank, have applied for planning consent for external alterations including the refurbishment of the front and side elevations of their property and in the installation of six air conditioning units to the rear of the property.
- 1.2. The site is located at 203/205 Main Street, Rutherglen and forms the ground floor of a red-sandstone tenement block which has six residential flats above the site. The site sits on the corner of Main Street and a lane which runs northwards to King Street. There is an existing rear extension on the property upon which it is proposed to erect the air conditioning units. This extension is of modern appearance and construction when compared to the traditional materials of the tenement. The property is bounded to the west by the close entrance to the flats mentioned above, beyond which lie further retail units on Main Street. To the east lies the lane referred to above while to the north (rear) lies a rear court serving the residential properties above, beyond which lies a church hall which is accessed from King Street. The application site lies within the recently designated Rutherglen Conservation Area.

### **2. Proposal(s)**

- 2.1. The applicants seek to refurbish the public elevations of their property by replacing the existing ceramic tiles with a light grey painted render. It is also proposed that the existing painted timber boarding fascia be replaced with a powder coated aluminium finish to match the proposed elevation. Further signage changes are proposed but these will be the subject of a separate application.
- 2.2. In addition to the refurbishment the applicants are seeking consent to install six air conditioning units to serve their premises. It was originally intended that these would be mounted on the rear wall which the bank shares with the tenement flats, being located below the first floor residential property. Following representations and discussions the applicants agreed to amend their proposal and relocate these units to the inner side wall of the modern rear extension.
- 2.3. The applicants also propose extensive internal alterations to their premises which do not require planning consent.

### **3. Background**

#### **3.1. Local Plan Status**

The application site lies within the adopted Cambuslang/Rutherglen Local Plan area, and is covered by Policy COM 1 – ‘Town and Village Centre Land Use Policy’ and by Policy COM 6 – ‘Core Retail Area Policy’. It is also covered by Policy ENV 9 – ‘Conservation Area Designation policy and Policy ENV 10 – ‘Conservation Area Enhancement policy’.

In terms of the South Lanarkshire Local Plan (finalised with modifications) the site is covered by the equivalent policies COM 1 – ‘Town Centre Land Use policy’, Policy COM 2 – ‘Core retail Area policy’, proposal ENV 8 – Conservation Area proposal and Policy ENV 24 - Conservation Areas policy. The COM Policies seek to retain the commercial viability and vitality of the Town Centre while the Conservation Area policies aim to retain the character and appearance of the Conservation Area.

#### **3.2. National Guidance**

None relevant given the nature and scale of the proposal.

### 3.3. Planning Background

There have been no previous applications on the site.

## 4. Consultation(s)

- 4.1. **Environmental Services:** No objections subject to conditions relating to noise, vibration and operating hours of the proposed air conditioning units.

**Response:** Appropriate conditions relating to these matters can be applied; however matters concerning noise can be dealt with through the powers available to Environmental Services.

## 5. Representation(s)

- 5.1. Statutory neighbour notification was undertaken and six letters (all in a standard format) were received and the main issues raised can be summarised as follows:

**(a) The proposed air conditioning units will be located in a back court shared by all the residents and will be unsightly and over-powering to the detriment of the amenity of the residents.**

**Response:** The applicants have identified that they require this number of air conditioning units to serve their premises and given its location this is the only acceptable location for the units as the alternative would involve their installation on the public elevations which would be unacceptable in terms of the Conservation Area.

**(b) Noise levels, fumes and contaminated air will intrude in the normally quiet back court and would stop the residents from opening their windows due to the fear of fumes and noise disturbance.**

**Response:** Environmental Services have set acceptable noise limits and hours of operation on the proposed units and have raised no concerns regarding fumes or contaminated air arising from the units.

**(c) Six units are excessive for the size of the bank.**

**Response:** the applicants have advised that for technical reasons this is the minimum number of units they need to service their premises.

**(d) The units will attract vandalism and will attract burglars to the residents' windows above the units.**

**Response:** The proposed units will be relatively well hidden from public view being on the inside elevation of the existing extension. As regards the question of increasing access for burglary it should be noted that the applicants have already relocated their units away from their preferred location which was directly under the windows of the flat above. The new location is some 3 metres from the windows at an angle. In addition the units will be no more an attraction to burglars than the flat roof of the existing rear extension on which they are located.

## 6. Assessment and Conclusions

- 6.1. Detailed planning consent is sought for the refurbishment of the external elevations of the premises at 203/205 Main Street, Rutherglen along with the installation of 6 air conditioning units to the rear of the property.

- 6.2. From a local plan viewpoint, the proposed development, which does not involve a change of use, clearly complies with the commercial policies of both the adopted Cambuslang/Rutherglen Local Plan and the finalised South Lanarkshire Local Plan.

It is also considered that in terms of the Conservation Area the proposed refurbishment will be an improvement to the existing modern finish which is now looking run down. Thus the proposal is also considered to accord with these local plan policies.

6.3. The major concern raised by this application is whether or not the proposed air conditioning units will have an unacceptable impact on the residential amenity of the neighbouring flatted properties above the bank, which share the rear court area. It is clearly the case that the units will have an impact but in assessing their impact the following factors have to be considered:

- (a) The property lies within a core commercial town centre area and is a well established use and operation.
- (b) In refurbishing their property the applicants wish to improve their premises by installing air conditioning and have been advised that six units are needed for this.
- (c) For aesthetic / conservation area reasons the applicants have been advised that it would not be acceptable to have these units on a public elevation which limited their possibilities to the back court area or the narrow access from the lane into the back court. As the access is very narrow it proved impossible to locate them here and thus the only location available is the back court.
- (d) The applicants originally located the units on the tenement back wall which was the optimum location in terms of servicing the bank. Due to the close proximity of residential windows directly above this location the applicants agreed to move them to the only remaining location, i.e. the inner side wall of the existing extension.
- (e) The units will have to operate within noise levels set as acceptable by Environmental Services and should they prove to be a noise or vibration nuisance Environmental Services have powers to act on complaints against them. The units will also be limited to operation between 0830 & 1800 Monday to Friday, when the bank is closed the units will not operate. Environmental Services have not raised any concerns regarding any fumes or contaminated air coming from the units.
- (f) In terms of vandalism and burglary it is considered that the location of the units is relatively well hidden from public view and should not significantly increase the threat of either of these issues.

6.4. As the proposal accords with the policies of the relevant local plans to reach a decision on the application it is necessary to balance the applicants need to install the air conditioning units in an existing commercial property, within an area identified for commercial uses in the local plan, against its impact on the residential amenity of the neighbours above the bank or in the back court. In light of this and the points raised in paragraph 6.3 above it is concluded that on balance the likely impact of the units on amenity would not be significant enough to justify a refusal when considered against the need for the units and the locational constraints on choosing a suitable location for them. Accordingly I consider that planning consent should be granted subject to conditions to control its impact as required by Environmental Services and it is recommended that the Committee grant planning permission subject to conditions.

## **7. Reasons for Decision**

- 7.1. The proposed development accords with relevant policies of both the adopted and finalised local plans for the area and will not have a significant adverse affect on the residential amenity of the neighbouring residential properties.

**Iain Urquhart**

**Executive Director (Enterprise Resources)**

**8 April 2008**

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour Notification Certificate dated 19 November 2007
- ▶ Cambuslang/Rutherglen Local Plan (2002)
- ▶ South Lanarkshire Local Plan (final with modifications) (2007)
- ▶ Consultations

Environmental Services

07/09/2007

Environmental Services

13/12/2007

- ▶ Representations

Representation from : Ellen Smith, Flat 1/1, 197 Main Street  
Rutherglen G73 2HG, DATED 14/09/2007

Representation from : A Stewart, Flat 2/3, 197 Main Street  
Rutherglen, DATED 07/12/2007

Representation from : Patrick Doherty, Flat ½, 197 Main Street  
Rutherglen, DATED 17/12/2007

Representation from : Kieron Durich, Flat 3/2, 197 Main Street  
Rutherglen, DATED 07/12/2007

Representation from : Fredrick Feeney, Flat 2/2, 197 Main Street  
Rutherglen, DATED 07/12/2007

Representation from : Ellen Smith, Flat 1/1, 197 Main Street  
Rutherglen, DATED 07/12/2007

### **Contact for Further Information**

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

Bill Kerr, Planning Officer, Royal Burgh House, 380 King Street, Rutherglen  
(Tel: 0141 613 5141 )

E-mail: [Enterprise.cam-ruth@southlanarkshire.gov.uk](mailto: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 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.
- 3 Before the development hereby approved is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The development shall not be brought into use until the ventilation systems are operational in accordance with the approved details. All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.  
The ventilation system shall:
  - a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
  - b) Be constructed by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
  - c) Noise associated with the business shall not give rise to a noise level, assessed with the windows closed, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.
- 4 Between the hours of 0800 and 1900 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.  
Between the hours of 1900 and 0800 the noise emitted from the premises (LAeq (5mins) ) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
- 5 Notwithstanding the terms of condition 4 above the air conditioning units hereby permitted shall only operate between 0830 and 1800, from Monday to Friday.

## REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.

- 3 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.
- 4 To minimise noise disturbance to adjacent occupants.
- 5 To minimise noise disturbance to adjacent occupants.

For information only

For information only

