

	Report	Agenda Item 15
--	---------------	---------------------------

Report to: **Planning Committee**
Date of Meeting: **1 December 2009**
Report by: **Executive Director (Enterprise Resources)**

Application No CR/09/0167
Planning Proposal: Erection of 97 dwellings over three sites with associated roads and landscaping works.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : West of Scotland Housing Association
- Location : Site 1: site off Neilvaig Drive;
Site 2: site bounded by Fernhill Road/Galloway Drive/Merrick Way;
Site 3: site bounded by Fernhill Road/Galloway Drive/Morar Drive

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 Listed)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: John Gilbert Architects
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted) 2009**
Policy COM5 – Retail Masterplan Policy
Policy RES6 – Residential Land Use Policy
Policy ENV30 – New Housing Development
DM1 – Development Management Policy

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

- ◆ Consultation(s):

Rutherglen Community Council

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

Power Systems

Scottish Gas, Digital Records Department

British Telecom

S.E.P.A. (West Region)

Leisure Services (Facility Manager)

Roads and Transportation Services (North Division)

Education Resources

Planning Application Report

1 Application Site

- 1.1 The application relates to phase 2 of the Fernhill Regeneration Plan and proposes new residential development on three sites in Fernhill. Site 1 is located off Nelvaig Drive lying to the north west of the existing residential area. The site, which currently forms part of an area of public open space including a poor quality red blaes football pitch, is generally rectangular in shape and generally flat. This site is bounded to the south east by the residential properties of Nelvaig Drive, to the north and north east by informal open space and to the west and south by the existing Fernhill recreational area. Site 2 is an area bounded by Fernhill Road, Galloway Drive, Castlefern Road and Merrick Way and is currently occupied by four storey maisonettes which are to be demolished. Site 3 is bounded by Fernhill Road, Galloway Drive and Morar Drive and is also currently occupied by four storey maisonettes which are also to be demolished.

2 Proposal(s)

- 2.1 The application seeks detailed planning permission for the erection of 97 residential dwellings over three sites with associated roads layout and landscaping. The residential provision will include a mix of new two storey detached, semi-detached and terraced houses, along with a number of cottage flats and one block of tenement flats. All the properties will be socially rented. This proposal is one of 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 phase is being taken forward as a partnership between SLC and West of Scotland Housing Association (WoSHA). The proposed development will improve the mix of house types in the area by replacing the maisonettes which have dominated the housing provision until now. A more detailed description of the proposed development at each of the three sites is set out below.
- 2.2 Site 1 off Nelvaig Drive is the most northerly development site lying some 60 metres north of the junction of Nelvaig Drive and Fernhill Road. This new development will be served by a new single loop access road off of Nelvaig Drive and will provide the following mix of dwelling sizes and house types to provide 36 new dwellings.

House Types	House Sizes
8 Cottage Flats	4 x 2 apt Cottage Flats
12 Semi-Detached Houses	4 x 3 apt Cottage Flats
15 Terraced Houses	15 x 3 apt Houses
1 Detached House	10 x 4 apt Houses
	2 x 5 apt Houses
	1 x 7 apt Houses

All of the proposed properties will have their own back and front gardens, parking spaces and boundary treatment (rear gardens enclosed by timber fencing with metal railings along each side boundary).

- 2.3 Site 2, which is currently occupied by vacated four storey maisonettes which are to be demolished, will provide 20 new dwellings. All of the proposed dwellings will face onto Fernhill Road, Galloway Drive, Merrick Way and Castlefern Road. However, a new access road from Galloway Drive will provide vehicular access to the rear of the dwellings. The mix of dwelling sizes and house types at site 2 will be as follows:

House Types	House Sizes
4 Cottage Flats	4 x 3 apt Cottage Flats
2 Semi-Detached Houses	14 x 3 apt Houses
14 Terraced Houses	2 x 5 apt Houses

As with site 1 all of the proposed properties will have their own back and front gardens, parking spaces and boundary treatment (rear gardens enclosed by timber fencing with metal railings along each side boundary).

- 2.4 Site 3, which is also currently occupied by four storey maisonettes, the majority of which are vacant and all of which are to be demolished, will provide 41 new dwellings. The northern section of this site, adjacent to Fernhill Road, will provide a block of new tenement flats of which there will be 21 in total in a mix of 2 and 3 apartment sizes. These flats will be accessed by a new road to the north of the proposed flats off of Morar Drive. All of the remaining properties in this site will face onto Morar Drive and Galloway Drive. Each property will have their own back and front gardens, parking spaces and boundary treatment (rear gardens enclosed by timber fencing with metal railings along each side boundary). The mix of dwelling sizes and house types at site 3 will be as follows:

House Types	House Sizes
21 Tenement Flats	4 x 2 apt Cottage Flats
4 Cottage Flats	14 x 2 apt Tenement Flats
4 Terraced Houses	7 x 3 apt Tenement Flats
12 Semi-Detached Houses	10 x 3 apt Houses
	6 x 4 apt Houses

- 2.5 Thus in total the proposed new residential development will provide 16 cottage flats, 21 new tenement flats, 33 terraced houses, 26 semi-detached houses and 1 detached house ranging in size from 2 to 7 apartments on land which is either vacant or occupied by derelict, difficult to let flats which are to be demolished.
- 2.6 All of the proposed dwellings will be finished in a mix of materials including facing brick, render, concrete roof tiles and UPVc windows and doors.
- 2.7 In terms of access, the majority of the sites will utilise the existing road network and where new access roads are required they will be constructed to meet the Council's guidelines for development roads. Apart from the proposed tenement flats in site 3, all of the parking for the development will be provided off-road within the curtilage of the dwellings. The tenement flats will have their own parking area adjacent to the building.
- 2.8 The proposed development will utilise the water and sewerage network serving the existing properties. In addition the development will incorporate the principles of Sustainable Urban Drainage with respect to surface water drainage.

3 Background

3.1. Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Plan 2009 provides the development plan context for this application. The application site lies within an area covered by Policy RES6 – Residential Land Use Policy. In terms of the proposed use Policies ENV30 – New Housing Development and DM1 – Development Management Policy are also relevant. Finally, site 1 of the proposed development lies within an area covered by Policy COM5 – Retail Masterplan Policy.

- 3.1.2 South Lanarkshire Council Residential Development Guide 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.

3.2 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 phase 2 of the Fernhill Regeneration Masterplan drawn up by the Regeneration Partnership involving SLC, WoSHA and the Fernhill Steering Group and approved by the Council's Housing and Technical Resources committee on 4th June 2008.

3.3.2 Phase 1 of the regeneration plan, the erection of 68 dwellings at Colvend Drive (planning consent CR/07/0157) has recently reached completion.

3.3.3 A separate planning application (CR/09/0210) for a new integrated community facility at a neighbouring site at Fernhill Road, which is further element of the agreed masterplan, is also being considered by this committee.

4 Consultation(s)

4.1 **Roads & Transportation Services** – no objections to the proposed development.
Response: Noted.

4.2 **Environmental Services** – no objections subject to a condition regarding contaminated land investigations and advisory notes regarding noise and demolition procedures.
Response: Noted. Appropriate conditions/advisory notes will be attached to any consent issued.

4.3 **Education Resources** – no response to date.
Response: Noted

4.4 **Leisure Services** - no response to date however verbally advised that South Lanarkshire leisure Trust has no objections to the proposed development.
Response: Noted

4.5 **Roads & Transportation Services (Flooding)** - no objections subject to design criteria being satisfied.
Response: Noted and copies of the criteria will be passed to the applicants.

4.6 **Scottish Water** – no objections to the proposal subject to agreeing details with the developer with respect to both water supply and sewerage facilities.
Response: Noted. Appropriate conditions will be attached to any consent issued.

4.7 **Scottish Environmental Protection Agency (SEPA)** – no objection in principle to the proposed development but have provided advice relating to foul drainage, surface water, domestic waste and flood risk.
Response: Noted.

4.8 **Rutherglen Community Council** – no objections to the proposed development.

Response: Noted.

4.9 **Scottish Gas** - no objections to the proposed development.

Response: Noted

4.10 **Powersystems** - no response to date.

Response: Noted

4.11 **BT Openreach** - no response to date.

Response: Noted

5 Representation(s)

5.1 Following statutory neighbour notification, no letters of objection have been received.

6 Assessment and Conclusions

6.1 Policy COM5 requires that a retail masterplan be brought forward for the recreational area at Fernhill which will include shopping, residential and recreational uses and be complementary to the wider regeneration of Fernhill. The Fernhill Regeneration Masterplan mentioned in paragraph 3.3 above addresses this local plan requirement and has identified an area for retail purposes. A proposal for two new pitches, to meet the recreational requirement, has been superseded by the plans for the integrated community facility mentioned above and is discussed in paragraph 6.7 below. The current application will satisfy the requirement for a well integrated residential development and thus it is considered that the proposed development complies with this local plan policy.

6.2 With respect to policy RES6 of the adopted Plan (Residential Land Use) this aims to protect the character and amenity of residential areas while supporting, in principle, compatible uses. The policy, therefore, is 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.

6.3 In terms of the adjacent and surrounding development, the proposal will result in the redevelopment of an area of derelict properties and vacant/cleared ground located within Fernhill. 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 was provided in the previous properties and which will meet the requirements of the Council's Residential Development Guide. The materials to be used for the proposed housing will be in keeping with the surroundings whilst allowing the sites to develop their own identities. The layout and design of the houses has taken account of the requirement to prevent privacy or overlooking problems within the new development.

- 6.4 In terms of character and amenity, with specific regard to traffic generation, visual intrusion and noise, given that the sites are currently derelict and largely vacant there will be an increase in the number of people using it. Nevertheless, the proposed design and layout of the housing at these three sites, is such that I consider the development will improve the appearance of this area. 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, there will be no 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.
- 6.5 As regards open space and landscaping, generous landscaping will be retained throughout the site with side garden fences for each dwelling incorporated into the development. As part of the overall Fernhill Regeneration, further community facilities will be constructed in the area, such as the new integrated facility currently seeking planning consent.
- 6.6 In terms of access through the site, the existing footpath network will be retained and where necessary, improved. By retaining the existing network, pedestrian links to public transport will be retained.
- 6.7 With respect to outdoor recreation and in particular sports pitch provision, it should be noted that the proposed site 1 occupies part of the Fernhill recreation area which was identified as a site for two new full size grass pitches required as a part of a legal agreement between SLC and SportScotland to compensate for the loss of pitches at the nearby Kilconnel Drive. However the requirements of SportScotland will be satisfied as part of the new integrated community facility development. However even if for some unforeseen reason the development of the new community facility did not proceed as proposed, it is considered that there would be enough space left within the Recreation Area to provide two grass pitches should site 1 be developed as proposed.
- 6.8 The proposal is, therefore, in accordance with this local plan policy. Furthermore, in total it will result in the major redevelopment of an existing residential estate providing 97 new high quality houses for rent replacing derelict and difficult to let tenement flats. 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. The proposed development also complies with the requirements of South Lanarkshire Council Residential Development Guide.
- 6.9 Policy ENV30 - New Housing Development of the adopted local plan 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.

6.10 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) existing footpaths have been retained and improved to maintain access to public transport and community facilities;
- (f) 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) & (j) the development has been designed to maximise overlooking to public spaces;
- (j) the site lends itself to the safe collection of waste.

6.11 Policy DM1 – Development Management Policy states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Development will require to have no significant adverse impact on the local environment and to enhance its quality and appearance. It also identifies various criteria to be considered by the Council when assessing applications. As the proposed development will take place on cleared sites it is considered that they will create their own environment which accords with the criteria of this policy. In addition the development will also be in keeping with the residential use of the neighbouring properties and the surrounding area and thus meet the requirements of and comply with this policy.

6.12 Having regard to the above, I am satisfied that the proposed is an acceptable development which accords with relevant policies of the adopted local plan and will allow the Housing Association to pursue the ongoing regeneration of the wider Fernhill area. It is therefore recommended that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

7.1 The proposal has no adverse impact on residential or visual amenity and complies with Policy RES6, COM5, ENV30 and DM1 of the adopted South Lanarkshire Local Plan 2009. The proposal also meets the aims of the South Lanarkshire Council Residential Development Guide.

Executive Director (Enterprise Resources)

23 November 2009

Previous References

- ◆ CR/07/0157 – erection of 68 dwellinghouses with associated roads, retaining walls and landscaping. Granted detailed planning consent 20 June 2007.
- ◆ CR/09/0210 – erection of integrated community facility, with sports hall, dance studio, community rooms, youth area and one 7-a-side / three 5-a-side football pitches with associated parking and landscaped areas. No decision as yet.

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour notification certificate dated 31 July 2009.
- ▶ South Lanarkshire Local Plan (adopted) 2009
- ▶ South Lanarkshire Council Residential Development Guide 2001
- ▶ South Lanarkshire Council Guidelines for Development Roads 2000

- ▶ Consultations
 - S.E.P.A. (West Region) 11/09/2009
 - Rutherglen Community Council 11/09/2009
 - Building Standards Services (Cam/Ruth Area) 01/09/2009
 - Scottish Water 24/08/2009
 - Environmental Services 08/09/2009
 - Roads and Transportation Services HQ (Flooding) 21/10/2009
 - Roads and Transportation Services (North Division) 17/11/2009
 - Scottish Gas 18/11/2009

- ▶ Representations
 - None

Contact for Further Information

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

Bill Kerr, Planning Officer, King Street
Ext 847 5141, (Tel :0141 613 5141)
E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers: LP01; EP01; EP03; EP04; EP05; [90]01; [90]02; [90]03; PP02; PE01; PP05; PP06; PP07; PP08; PP09; PP10; PP11; PP12; PP13; PP27; PP03; PE02; PP14; PP15; PP16; PP17; PP18; PP04; PE03; PP19; PP20; PP21; PP22; PP23; PP24; PP25; PP26;
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 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 before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) 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; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 6 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.
- 7 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of this consent, shall be erected and thereafter maintained to the satisfaction of the Council.
- 8 That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a water supply and sewerage scheme designed in accordance with Scottish Water's standards.
- 9 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.

- 10 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 11 (a) Remediation of the site, if required, shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 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 In the interests of the visual amenity of the area.
- 6 In the interests of amenity.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 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.
- 9 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.
- 10 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 11 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

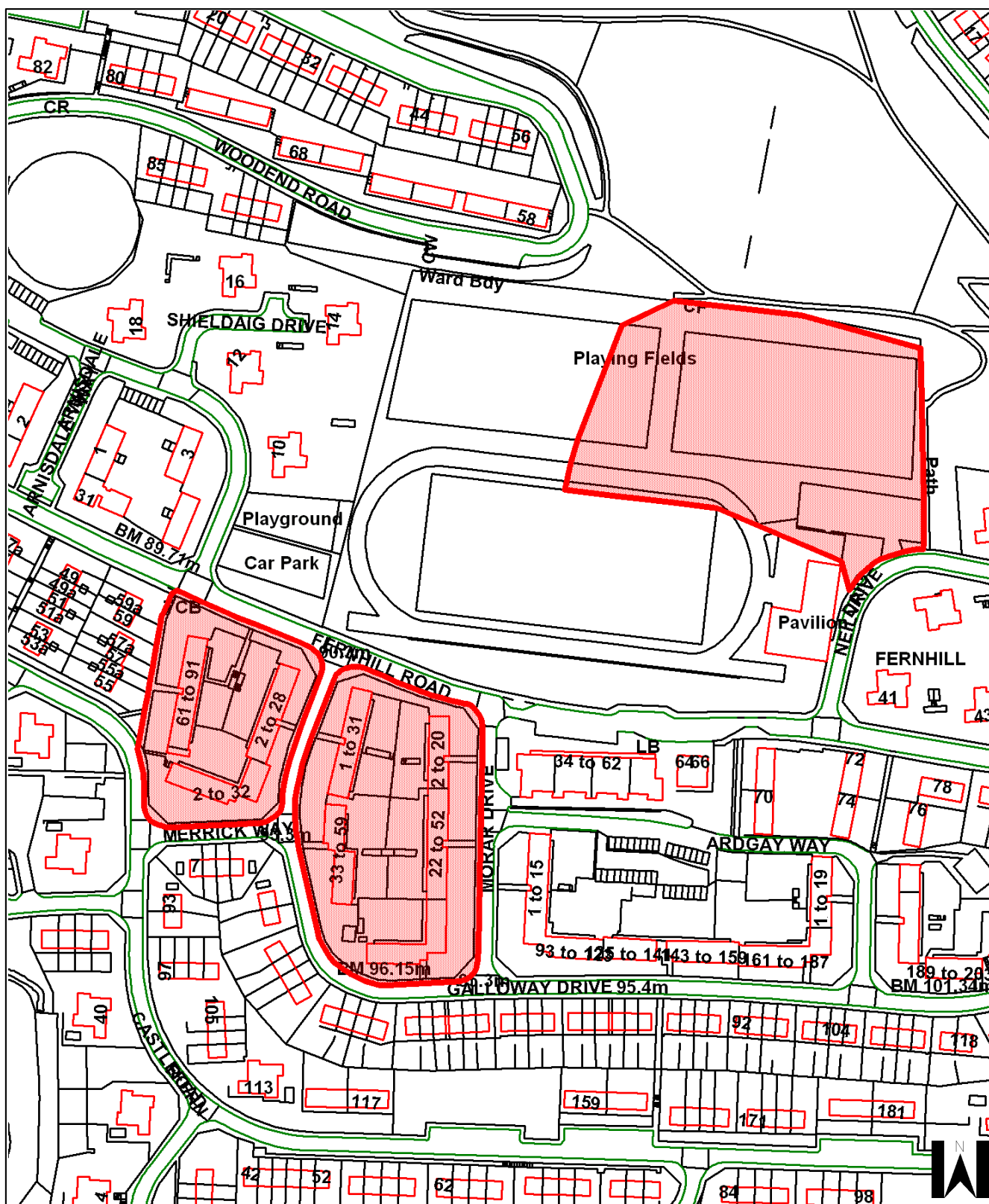
CR/09/0167

Planning and Building Standards Services

Site off Neilvaig Drive; site bounded by Fernhill

Scale: 1: 2500

Road/Galloway Drive/Merrick Way; site bounded by Fernhill



For information only

For information only