

Report to:	Planning Committee
Date of Meeting:	05 April 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CR/11/0001
Planning Proposal:	Erection of a Mixed-Use Development Comprising 14 Cottage Flats, 4 Semi-Detached Houses, 3 Class 1 Retail Shopping Units and a Hot Food Shop

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : West of Scotland Housing Association
- Location : Site at Corner of Fernhill Road and Neilvaig Drive
Fernhill

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 ENV31 – New Housing Development
DM1 – Development Management Policy

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

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

SP Energy Network

Scottish Gas, Digital Records Department

British Telecom

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

Roads and Transportation Services (Cambuslang/Rutherglen Area)

Planning Application Report

1 Application Site

- 1.1 This application relates to Phase 2a of the Fernhill Regeneration Plan and proposes a mixture of retail and residential development on a site located at the south east corner of the former Fernhill recreation area. The site is bounded to the east by Neilvaig Drive, to the south by Fernhill Road, to the west by the new Fernhill Integrated Community facility which is currently under construction and to the north by a site which already has consent for new housing to be provided by the West of Scotland Housing Association. The site is rectangular in shape, generally flat and part of the site is occupied by Fernhill community hall which will be demolished when the new community facility is opened.

2 Proposal(s)

- 2.1 The application proposes the development of fourteen cottage flats, four semi-detached houses and four shop units, one of which will be a hot food shop. The residential units, which are to be let and managed by the Council, will be located to the north and east of the site, taking access from Neilvaig Drive, with the access road to be constructed for the housing association development to the north. The shops will be located on Fernhill Road and are being developed to replace the retail units on the south side of the road which are due to be demolished as part of the next phase of the regeneration plan for Fernhill. The access and service roads and car parking for the shops have already been approved under an earlier application (CR/10/0052).

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 Policies COM5 – Retail Masterplan Policy; ENV31 – New Housing Development and DM1 – Development Management Policy. The content of these policies and how they relate to the proposal is assessed in Section 6 of the report.

3.2 Relevant Government Advice Policy

- 3.2.1 Given the scale of the proposed development there is no relevant government advice in this instance.

3.3 Planning Background

- 3.3.1 The planning application is consistent with the Fernhill Regeneration Masterplan which was prepared by the Regeneration Partnership involving both the Council and the Fernhill (Community) Steering Group which was approved by the Housing and Technical Resources Committee on 4 June 2008. The partnership group has been working together on the redevelopment of Fernhill for a number of years.
- 3.3.2 The proposed development is inter-linked with previous planning consents relating to the redevelopment of this area of Fernhill, namely:
- **CR/09/0167** for the erection 97 housing association houses on three sites, including the site off of Neilvaig Drive immediately north of the application site, which was granted detailed planning consent on 1 December 2009.
 - **CR/09/0210** for the erection of an integrated community facility, with sports hall, dance studio, community rooms, youth area and 1 seven-a-side/3 five-a-side football pitches with associated parking and landscaping. This development lies immediately to the west of the application site and was granted detailed planning consent by the Planning Committee on 1 December 2009.

- **CR/10/0052** for the formation of access road, service road and car parking which was granted detailed planning permission on 7 July 2010. The consent includes the road and parking area which will serve the retail units proposed by this current application.

4 Consultation(s)

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

4.2 **Roads and Transportation Services HQ (Flooding)** - no objections
Response: Noted.

4.3 **Scottish Water** – no objections to the proposed development.
Response: Noted.

4.4 **Scottish Gas Networks** - no objections to the development and provided a plan showing their plant in the vicinity.
Response: Noted.

4.5 **SP Energy Networks (Scottish Power)** - no objections however advised that they have plant in the vicinity and that the developer should contact Scottish Power to discuss the proposed development.
Response: Noted. The applicants are aware of Scottish Power's interests.

4.6 **Environmental Services** – no objections subject to conditions regarding noise, waste control, refuse storage and collection, dust control and contaminated land investigations and advisory notes regarding noise, food safety and health and safety at work.
Response: Noted. Appropriate conditions/advisory notes will be attached to any consent issued.

4.7 **Scottish Environmental Protection Agency (SEPA)** – no objection to the proposed development.
Response: Noted.

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

4.9 **British Telecom** – no response to date.
Response: Noted.

5 Representation(s)

5.1 Following statutory neighbour notification, no representations have been received.

6 Assessment and Conclusions

6.1 The applicants have applied for detailed planning consent for the erection of fourteen cottage flats, four semi-detached houses and four retail units. The housing will be located on the north and east boundaries of the site and will provide new Council housing stock. The shopping units will be located along the Fernhill Road frontage to the south of the site and will utilise the previously approved access road, car parking and service roads. The shops are intended to replace the existing shops in Fernhill, including a hot food shop and for that reason the application specifies that three of the units will be for Class 1 retail and one will be a Sui Generis hot food shop.

- 6.2 The application requires to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. Consequently the adopted Local Plan is particularly relevant to the assessment and determination of this application.
- 6.3 Previous planning applications relating to this area have established the principle that the proposed developments comply with local plan policy COM5. This policy seeks to bring forward a masterplan for the Fernhill recreation area which will identify convenience retail floorspace at an appropriate scale for a Neighbourhood Centre along with a well integrated residential development and improved recreational provision. The masterplan should be complementary to the wider regeneration of Fernhill. This application proposes an extension to the residential provision outlined in the earlier consents and provides the required shopping element in accordance with the Masterplan. On this basis it is concluded that the proposed development accords with Policy COM5 of the adopted local plan.
- 6.4 Policy ENV31 – New Housing Development Policy states that the Council will seek well designed proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities. The proposed housing is being designed to match the previously approved housing association houses in terms of design, scale and materials and will share the access road of that development. Given this, it is concluded that the proposed development is well designed and will integrate successfully with the surrounding developments and will therefore accord with this local plan policy.
- 6.5 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. It is considered that for the reasons outlined above, the residential element of the proposed development will accord with this policy. With respect to the retail element it is considered that the design, scale, location and materials to be used in the proposed shops are such that they will represent a considerable improvement to the fabric and appearance of the Fernhill neighbourhood centre and will have a positive impact on the amenity of the area. As mentioned above, a hot food shop is proposed as part of the development however as it is replacing a nearby existing hot food shop on the south side of the road and has no residential units above, it is considered that this use will not have an adverse impact on the amenity of the local area. It is therefore concluded that the application also accords with this local plan policy.
- 6.6 Following statutory neighbour notification no representations to the development were received.
- 6.7 The Council's Flooding Unit has assessed the application and have advised that as the proposed development was taken into consideration when the flooding and drainage requirements for the Phase 2 housing and the Integrated Community Facility were agreed, this proposal will not have any additional impact on the drainage system or on the flood risk.
- 6.8 The proposed development will complete the proposed residential and retail provision identified within Phase 2 of the approved Fernhill Regeneration Masterplan and is therefore integral to the regeneration of the local area. The development of these shops will allow for the demolition of the existing shops and will prepare the way for the third phase of the regeneration plans for the area. The development

accords with the adopted local plan policies and has received no objections from either consultees or third parties.

- 6.9 Having regard to the above, I am satisfied that the proposal is an acceptable development which accords with the relevant local plan policies COM5 – Retail Masterplan Sites, ENV31 – New Housing Development and DM1 – Development Management and 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 the local amenity and complies with Policies COM5, ENV31 and DM1 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

22 March 2011

Previous References

- ◆ CR/09/0167
- ◆ CR/09/0210
- ◆ CR/10/0052

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan (adopted) 2009

- ▶ Consultations
 - SP Energy Network 21/01/2011
 - Environmental Services 25/02/2011
 - Environmental Services 25/02/2011
 - SP Energy Network 18/01/2011
 - Roads and Transportation Services (Cambuslang/Rutherglen Area) 28/02/2011
 - Roads & Transportation Services H.Q. (Flooding) 19/01/2011
 - Building Standards Services (Cam/Ruth Area) 10/01/2011
 - Scottish Water 10/01/2011
 - Scottish Gas, Digital Records Department 18/01/2011
 - Rutherglen Community Council 10/02/2011

- ▶ 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, Civic Centre, East Kilbride
Ext 6304, (Tel :01555 806304)
E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:LP01 Rev A; PP01; PP02; PP03; PP04; PP05; PP06; PP10; [90]01; [90]02 and [90]03.
- 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 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.
- 4 Prior to the development being brought into use, details of the storage of waste arising from the commercial activity shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall be in place prior to the development being brought into use.
- 5 Development shall not commence until an assessment of the potential for the proposed use to cause noise nuisance including, if applicable, noise produced by the ventilation equipment, to occupants in the nearby housing, has been submitted to the Council as Planning Authority. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Council as Planning Authority. The approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.
- 6 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 7 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 8 (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.

9 (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.

10 Before the hot food shop 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 hot food shop 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.

REASONS

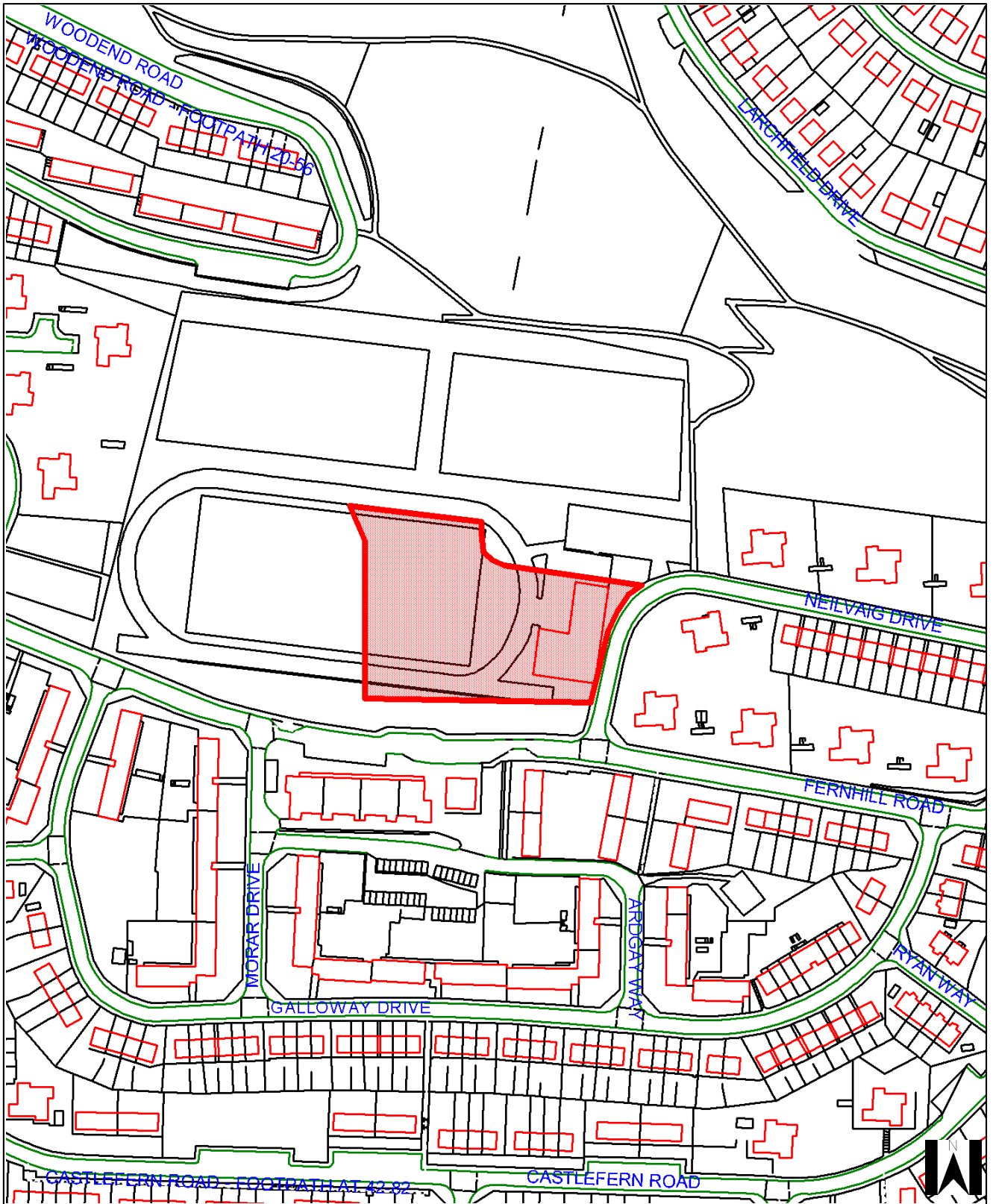
- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To minimise nuisance, littering and pest problems to nearby occupants.
- 5 To minimise noise disturbance to adjacent occupants.
- 6 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 7 To minimise the risk of nuisance from dust to nearby occupants.
- 8 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 9 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 10 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.

CR/11/0001

Planning and Building Standards Services

Site at Corner of Fernhill Road and Neilvaig Drive,
Rutherglen

Scale: 1: 2500



For information only

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