

Report to: **Planning Committee**  
 Date of Meeting: **29 November 2011**  
 Report by: **Executive Director (Enterprise Resources)**

Application No CR/11/0188  
 Planning Proposal: Erection of 14 New Build Cottage Flats, 4 New Build Houses and 5 New Build Shop Units (4 Class 1 and 1 Sui Generis), with Associated Parking and Landscaping. (Amendment to CR/11/0001)

## 1 Summary Application Information

- Application Type : Detailed Planning Application (Amend)
- 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 attached.

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine the application.

## 3 Other Information

- ◆ Applicant's Agent: John Gilbert Architects Ltd
- ◆ 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  
Policy DM1 – Development Management Policy

### ◆ Representation(s):

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

### ◆ Consultation(s):

## Roads and Transportation Services (Cambuslang/Rutherglen Area)

## Planning Application Report

### 1 Application Site

- 1.1 This application relates to the previously approved 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 applicants. The site is rectangular in shape, generally flat and was previously occupied by Fernhill community hall which has now been demolished.

### 2 Proposal(s)

- 2.1 The proposal constitutes an amendment to a previously approved development of fourteen cottage flats, four semi-detached houses and four shop units, one of which will be a hot food shop CR/11/0001. The application proposed will result in a minor reconfiguration of the previously approved retail development together with an additional retail unit resulting in five retail units (four class 1 units and one hot food unit). In addition two of the previously approved units will be increased in size. Minor design changes to the previously approved fourteen cottage flats and four semi-detached dwellings are also proposed.

### 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 Given the scale and nature of the proposal and as no objections were submitted, the application would in normal circumstances have been a delegated decision. However, as the site is within Council ownership, the approved scheme of delegation requires that the application be considered at Committee.

### 4 Consultation(s)

- 4.1 **Roads & Transportation Services (Cambuslang/Rutherglen Area Office)** – no objections to the proposed development.  
**Response:** Noted.

## **5 Representation(s)**

- 5.1 Following statutory neighbour notification and advertisement in the Rutherglen Reformer, no representations have been received.

## **6 Assessment and Conclusions**

- 6.1 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.
- 6.2 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 floor space 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.
- 6.3 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. The amendment to the housing layout is relatively minor and relates to an increase in roof space and pitch. This change will have little or no impact on the appearance of the housing. 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.
- 6.4 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. The additional shop unit being added covers an area of approximately 60sqm. In addition, unit 1 (shop) will remain the same size – 338sqm and unit 3 (previously 2) (hot food) and unit 4 (shop) will increase from 85.9sqm to 89.4sqm and 65.1sqm to 110.9 respectively. Unit 5 (previously unit 4) will reduce from 65sqm to 60.5sqm. Overall, the retail element of the development will increase in size from 554 sqm to 660sqm, however this will have little or no impact to the overall operation of the site and comply with the original masterplan proposal. In addition, the Roads and Transportation Service have no objections to the proposed parking and access arrangements. 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.

- 6.5 Following statutory neighbour notification no representations to the development were received.
- 6.6 The Council's Flooding Unit had previously assessed the application and 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.
- 6.7 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.
- 6.8 Having regard to the above, it is considered 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)**

**21 November 2011**

### **Previous References**

- ◆ CR/11/0001

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local plan 2009
- ▶ Consultations

**Contact for Further Information**

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

Iain Morton, Planning Officer, Civic Centre  
Ext 6314, (Tel :01355 806314 )  
E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 This decision relates to drawing numbers:  
  
LP01 REV B  
PE101 REV B  
PP01 REV A  
PP02 REV A  
PP03 REV A  
PP04 REV A  
PP05 REV A  
PP06 REV B  
PP07 REV A  
PP10 REV J
- 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 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 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.

- 7 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.
- 8 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.
- 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 (a) Remediation of the site 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 In the interests of amenity and in order to retain effective planning control.
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- 4 To minimise nuisance, littering and pest problems to nearby occupants.
- 5 To minimise noise disturbance to adjacent occupants.
- 6 To minimise nuisance to occupants of nearby buildings as a result of cooking smells, vapours, airborne pollutants or noise from the premises.
- 7 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.
- 8 To minimise the risk of nuisance from dust to nearby occupants.
- 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.
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For information only

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