

Report

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Report to:	Planning Committee
Date of Meeting:	04 December 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CL/07/0578
Planning Proposal:	Erection of 14 Detached Dwellings and Formation of Access

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Saddlers Estates Ltd
- Location : Manse Road
Forth

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 Area Committee has delegated powers to determine this application (Financial contribution sought in lieu of play provision).

3 Other Information

- ◆ Applicant's Agent: Development Design Services
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **Upper Clydesdale Local Plan (Adopted)**
 - Policy 2: New Housing – Location Policy
 - Policy 23: Development Proposals – Provision of Infrastructure

South Lanarkshire Local Plan Finalised Draft **- As Modified**

- Policy RES2: Proposed Housing Sites
- Policy ENV11: Design Quality
- Policy ENV29: New Development Design
- Policy ENV36: Sustainable Urban Drainage Systems
- Policy DM1: Development Management

◆ Representation(s):

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

◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

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

West of Scotland Archaeology Service

Roads and Transportation Services (South Division)

Planning Application Report

1 Application Site

- 1.1 The rectangular shaped application site (0.96ha) is located at Manse Road on the eastern edge of Forth within the settlement boundary. The site comprises of vacant ground which is bounded on the south-west and north-west by residential properties, on the east by agricultural land, and on the north by ground belonging to the British Legion Club and the industrial buildings of the former business Fieldtrack Ltd. Outline consent for residential use was granted in 2006 for the redevelopment of the Fieldtrack site.
- 1.2 Topographically, the site slopes downwards to the east with a more pronounced slope into the south-east corner of the site. The application site was formerly the site of light engineering works and evidence of its tarmac access road remains, as do various mounds of soil. Throughout the site, there are remains of building foundations along with other demolition rubble. Presently, along the eastern edge of the application site, lies a trunk sewer.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of 5 bungalows and 9 1½-storey houses served by an access from Manse Road. The development would involve the re-routing of the trunk sewer from its present position along the rear of the site, to under the proposed internal road which would run along the middle of the site, before rejoining the original route in the south-east corner of the site. Thereafter, no buildings or planting of trees can occur within 3 metres of the sewer. A landscaping strip would be provided along the south-eastern boundary to give a more natural edge to the settlement boundary.
- 2.2 A Chemical Contamination and Gas Emissions Investigation report, dated May 2006 and a further letter from its authors, Johnson, Poole and Bloomer, dated 26 March 2007 were submitted in support of this application. They state that *“the contamination levels identified on site to date was relatively low, and comprised of limited made ground, mainly in the area of the former buildings.....The majority of the made ground would be cleared and utilised within the development, under hardstanding, roads and within building solums, which would be backfilled with made ground then encapsulated underneath a layer of concrete. It is considered that the risk would be minimal and that potential for any ongoing contact is extremely low. In view of the level of contamination within the site even if contact did occur the risk again to the occupier would be extremely low due to the potential frequency of this event.”*

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted Upper Clydesdale Local Plan identifies the site as being within the settlement boundary of Forth, and is affected by Proposal IND4 which identifies the land as suitable for light industrial development. Policies 2: New Housing – Location Policy and 23: Development Proposals – Provision of Infrastructure are also relevant. The South Lanarkshire Local Plan Finalised Draft - As Modified constitutes a material consideration in the determination of this application. In this regard, the site is covered by Policies RES2: Proposed Housing Sites which identifies the site as suitable for residential development. Policies ENV11: Design Quality, ENV 29: New Development Design. ENV 36: Sustainable Urban Drainage and DM1: Development Management are also of relevance.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 SPP 3: Planning for Housing advises that most housing requirements should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and services and helping to protect rural amenity. The re-use of brownfield sites is particularly encouraged.

3.3 **Planning History**

- 3.3.1 Outline planning permission was granted in 1998 (CL/98/0388) for the residential development of a larger site which comprised the application site and ground fronting Manse Road, on which four houses have now been constructed. A detailed application for the remainder of the site was submitted in 2006 (CL/06/0054) for the erection of 14 houses, but was refused due to lack of information relating to the treatment of contaminated ground and the resulting positioning of SUDS equipment.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – the Divisional Engineer has no objections to the application, subject to a number of conditions relating to the provision of suitable visibility splays onto Manse Road, and the number of parking spaces associated with each house. In addition, the Flooding Unit seeks details of a drainage system capable of attenuating surface water within the site and restricting its discharge into the public system. This system is to be encapsulated within a waterproof membrane to ensure that no pollution occurs either within the site, or on adjacent ground.

Response: Noted. I propose to attach conditions to any consent granted in relation to access, parking and turning. In terms of the provision of a SUDS scheme, conditions would be attached to ensure that further details are submitted to the Flooding Unit, who in association with Environmental Services will assess it in terms of the Council's design criteria and it's functioning in light of the contamination issues within the site.

- 4.2 **Environmental Services** – concur with the recommendations and conclusions contained in the Chemical Contamination and Gas Emissions Investigation report, and subsequent letter on 26 March 2007 submitted by the applicants. However, Environmental Services are aware of a potential issue involving the proposed SUDS system and would advise that these details are conditioned, to enable further liaison with the applicant and the Flooding Unit. Additionally Environmental Services have asked for conditions to be included in any consent issued, requiring a risk assessment and remediation of the site, to ensure that the land is made suitable for the proposed residential use.

Response: Noted. In association with Environmental Services and the Flooding Unit, conditions have been formulated which require the submission of further details for the SUDS system and a completion report confirming that the approved remediation works have been carried out.

- 4.3 **SEPA** – has advised that the development should treat surface water in accordance with the principles of Sustainable Urban Drainage Systems. In addition, the previous use of the site as an engineering works may have resulted in land contamination. SEPA has a particular interest in pollution of the water environment arising from any land contamination at the site. A risk assessment should consider whether or not contaminants are entering or are likely to enter controlled waters and at what concentration. It is desirable that any investigation and remediation works should be at least sufficient to ensure that the site conditions, once developed, would not constitute contaminated land under Part 11A of the Environmental Protection Act 1990. SEPA note that the site investigation concludes that there is no risk to the

water environment; however this conclusion is based upon the assessment of risks from heavy metals only and that there has been no assessment of the risk to the water environment from organic contaminants in the soil. The letter of 26 March 2007 contradicts the report conclusion by indicating that there is potential leachability, and the remedial recommendations have been changed to include the re-use of made ground under hardstanding, roads and encapsulated within building solums. This approach may be appropriate to address risks to the water environment; however it is dependant upon the detailed design elements of the development. If there are risks to the water environment from this material, appropriate specification and design drawings for hardstanding and roads should be presented to demonstrate that potential pollutant linkages are being broken.

It is very important that the installation of SUDS does not result in the mobilization of contaminants from the made ground or the creation of pathways. If infiltration is to be allowed, then consideration should be given to the interaction between geology, groundwater, the location of potentially contaminated/leachable materials and SUDS design. Should a lined system be used, then consideration should be given to the final location of contaminated soil arisings.

Response: Noted. The applicant has submitted a Chemical Contamination and Gas Emissions Investigation Report which has highlighted the need for remedial actions to sever identified pollutant linkages, although these recommendations have been superseded by alternative proposals contained in the letter of March 2007. In association with Environmental Services and the Flooding Unit, conditions have been formulated which require the submission of further details for the SUDS system and a completion report confirming that the approved remediation works have been carried out. The applicant has been liaising with the Flooding Unit regarding the detailed design for the SUDS, and at this stage it is anticipated that a lined system will be utilized to ensure any contaminates do not leach back into the surrounding soil.

- 4.4 **West of Scotland Archaeology Service** – have advised that there are no substantive archaeological issues raised by the application.

Response: Noted.

5 Representation(s)

- 5.1 Following the statutory neighbour notification period, no letters of representation were received.

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application are compliance with the adopted and finalised local plans, the impact on the visual and residential amenity of the area and the infrastructure implications.
- 6.2 In terms of the adopted Upper Clydesdale Local Plan, the site is identified as suitable for industrial use. However, the principle of residential development has been established in a previous consent (CL/98/0388). Within the South Lanarkshire Local Plan Finalised Draft - As Modified, the application site is identified as a proposed housing site and, as such, the development of 14 houses would comply with Policy RES2. Policy 2 directs new residential development to within settlement boundaries and suitable infill sites, subject to infrastructure and environmental criteria. As such, the principle of housing development is acceptable.

- 6.3 Policy 23 of the Upper Clydesdale Local Plan states that planning permission will not be supported unless the application is backed up with sufficient information on services and the Council is totally satisfied that infrastructure is, or can be made, available to serve the development having regard to the requirements of SEPA and Environmental Services. The applicant resubmitted, from the previous application (CL/06/0054) a Chemical Contamination and Gas Emissions Investigation Report, which highlighted a range of toxic, phytotoxic and organic contaminants within the made ground. Further research was carried out to determine whether intact linkages existed or could occur as a consequence of development. The potentially intact human health pollutant linkages were evaluated quantitatively within the report, and using modeling information it was concluded that various chemical parameters represent a human health risk, and that remedial measures are required. There is also a phytotoxic constraint at the site and remedial actions are required. Remediation measures involving the clearing of the made ground and utilizing it under hardstanding, roads and the house solums have been proposed by the applicants, and this would be acceptable to Environmental Services and the Flooding Unit subject to compliance with the suggested conditions. The application therefore complies with Policy 23 of the Upper Clydesdale Local Plan.
- 6.4 Guidance on new development is set out in Policies ENV11: Design Quality, ENV29: New Development Design and DM 1: Development Management of the South Lanarkshire Local Plan (Finalised). Policy ENV29 in particular requires new development to address sustainable development issues, including the use of sustainable drainage systems. In addition, Policy ENV36 requires applicants to submit details of SUDS schemes in order to demonstrate that the proposals can be incorporated within the layout. This generally requires development to enhance the quality and appearance of the local environment whilst having no adverse visual or environmental impact on amenity. Following discussions with the applicants, and subsequent minor amendments, the proposed layout and house types is considered to comply with the Council's Residential Development Guidelines and is therefore generally acceptable. Also in accordance with the Residential Development Guidelines, a play area is not required due to the size of the site, but a contribution to the improvement of existing sport/recreational facility within the local area is required. It is recommended that the sum of £450 per house be submitted by the applicant prior to the release of any planning consent.
- 6.5 In summary the redevelopment of this brownfield site complies with the policies of both the adopted local plan and the emerging South Lanarkshire Local Plan, and would result in a use more appropriate to the surrounding land uses. The contamination issues have been addressed and conditions put in place to ensure that the proposed remediation measures are satisfactorily completed. I therefore recommend that planning permission be granted, subject to the receipt of monies for the recreational provision in the area

7 Reasons for Decision

- 7.1 I consider that the proposal, complies with Policies 2 and 23 of the adopted Upper Clydesdale Local Plan, and Policies ENV 11, ENV29 and ENV36 of the finalised South Lanarkshire Local Plan.

Iain Urquhart
Executive Director (Enterprise Resources)

26 November 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - S.E.P.A. (West Region) 07/11/2007
 - Roads & Transportation Services H.Q. (Flooding) 07/11/2007
 - Environmental Services 14/09/2007
 - Roads and Transportation Services (South Division) 06/09/2007
 - Roads and Transportation Services (South Division) 06/09/2007
- ▶ Representations
 - None

Contact for Further Information

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

Ailsa Graham, Planning Officer, South Vennel, Lanark ML11 7JT
Ext 3190 (Tel :01555 673190)
E-mail: Enterprise.lanark@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 (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.
- 4 (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.

- 5 That prior to any work starting on site, a Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority (and the Scottish Executive as Trunk Roads Authority).
- 6 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. In addition, this Sustainable Drainage system shall be required to comply with the any condition specified by the Council's Environmental and Strategic Services Department to ensure the Sustainable Drainage System serving the site does not cause pollution of the environment.
- 7 That prior to the commencement of development on site, details of the provision of flood prevention works, together with subsequent management and maintenance arrangements shall be submitted to and approved by the Council as Planning Authority. The works will require to comply with the Council's Sustainable Drainage Design Criteria and requirements.
- 8 That no dwelling unit shall be occupied until the flood prevention measures required under Condition 9 above have been completed in accordance with the approved scheme.
- 9 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.
- 10 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 sewerage scheme designed in accordance with Scottish Water's standards.
- 11 That before any work commences on the site, a scheme of landscaping for the area shaded green on the approved plans 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.
- 12 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.

- 13 That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 13 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 14 That before development starts, details of all boundary treatments for Plots 1 and 14, as highlighted orange on the approved plans, shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.
- 15 That prior to any work starting on site, details including landscaping, for the restoration of the site compound, as highlighted pink on the approved plans, shall be submitted to and approved by the Council as Planning Authority, and thereafter implemented as approved once all the dwellinghouses on the site have been completed.
- 16 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 17 That before the dwellinghouses hereby approved are completed or brought into use, 2 no. parking spaces (2.5m x 5m modules) for dwellings with 3 or less bedrooms and 3 spaces for dwellings with 4 or more bedrooms, shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 18 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.

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 avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 4 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 5 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 6 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.

- 7 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 8 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 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 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.
- 11 In the interests of the visual amenity of the area.
- 12 In the interests of amenity.
- 13 In the interests of amenity.
- 14 These details have not been submitted or approved.
- 15 In the interests of amenity and in order to retain effective planning control.
- 16 In the interest of road safety
- 17 To ensure the provision of adequate parking facilities within the site.
- 18 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.

INFORMATIVES

- 1 This grant of planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development.

The consent of the appropriate land owner will be required in order to carry out building work or future maintenance that requires access to a neighbour's ground.

Any disputes which arise over access or boundaries are not a planning matter. These are civil matters to be resolved between the parties involved.

- 2 If the developer fails to 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, then the site may be entered in the Contaminated Land Register.

- 3 The applicant is advised that all works carried out on site must be carried out in accordance with BS5228 Parts 1 -4 1984/1986, 'Noise control on construction and open sites'.

The applicant is further advised that audible construction activities should be limited to:

Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - No audible activity. The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

Further details of this may be obtained from South Lanarkshire Council,

Environmental Services, Atholl House, East Kilbride, G74 1LU. Telephone (01355) 806915

- 4 None of the above conditions will preclude formal action being taken by the Executive Director of Community Resources against the author of any nuisance, which may arise due to the operation of the proposed development.
- 5 The applicant is advised that adequate pest control measures should be employed to ensure that any demolition and/or associated ground works occurring as part of this development do not give rise to increased pest activities. Further details of this may be obtained from South Lanarkshire Council, Environmental Services, Atholl House, East Kilbride, G74 1LU. Telephone (01355) 806918.
- 6 Details of this application should be sent to SEPA for their consideration and comments, as they are the legal body responsible for some of the matters raised.
Scottish Environment Protection Agency,
West Region Head Quarters,
5 Redwood Crescent,
Peel Park,
East Kilbride, G74 5PP

For information only

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