

# Report

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Report to:	<b>Clydesdale Area Committee</b>
Date of Meeting:	<b>13 February 2007</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/06/0054
Planning Proposal:	Erection of 14 Houses 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) Refuse Detailed Planning Permission – (for Reasons Stated)

### 2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

## 3 Other Information

- ◆ Applicant's Agent: Development Design Services
- ◆ Council Area/Ward: 12 Forth
- ◆ Policy Reference(s): Upper Clydesdale Local Plan (Adopted)
  - Policy IND4: Industrial Areas
  - Policy 2: New Housing – Location Policy
  - Policy 23: Development Proposals – Provision of Infrastructure

South Lanarkshire Local Plan ( Finalised Draft)

- 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):

▸ 2 Objection Letters

◆ Consultation(s):

Forth Community Council

Environmental Services

Roads and Transportation Services (South Division)

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

Scottish Water

Roads & Transportation Services H.Q. (Flooding)

## **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 ground belonging to the British Legion Club and the disused haulage and storage buildings of Fieldtrack Ltd.
- 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 6 bungalows and 8 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.

### **3 Background**

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

The adopted Upper Clydesdale Local Plan identifies the site as being within the settlement boundary of Forth, and is affected by Policy 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 (as finalised) 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**

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**

Outline planning permission was granted in 1998 (CL/98/0388) for the residential development of a larger site, comprising the application site and the four existing houses fronting Manse Road along the north-west boundary of the site.

## 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 seek details of a drainage system capable of attenuating surface water within the site and restricting its discharge into the public system.

**Response:** Noted. Conditions can be placed on any consent granted in relation to the requirements relating to access, parking and turning. In terms of the provision of a SUDS scheme, a condition requiring the scheme's approval, prior to the commencement of development on the site, would normally be attached to any consent. However, the Flooding Unit have advised that in view of the contamination levels within the site, they are unable to agree on the form of attenuation that could be provided to serve this site.

- 4.2 **Environmental Services** – commenting on the site investigation report submitted by the applicants, have advised that the remediation measures set out in the report of a 750mm clean cover cap and ductile iron water pipes in order to break significant pollutant linkages was an acceptable solution. This would require the importation of 3500 cubic metres of clean material which would have the effect of increasing ground levels along three sides of the site. They have therefore suggested alternative remediation measures including using the contaminated material to backfill drainage tracks to a level 700mm below finished ground level; contaminated materials used as fill in areas below hardstandings (ie. roads, footways, driveways); contaminated material used as fill to house solumns where the material is capped with stone, DPM and concrete; all soft landscaping to be stripped of contaminated material and filled with clean material to finished levels or capped with 700mm clean material. The applicant has stated that the original consultants have considered these measures and have claimed that the proposals meet the requirements of their report.

**Response:** The new remediation proposals for the site, as outlined by the applicant, do not sit comfortably with the recommendations contained within the submitted site investigation and contradicts the original findings of the report. The original site investigation data has not been reviewed to assess these changes; accordingly, due to the lack of information, Environmental Services cannot comment in detail on the current remediation proposals. However, they advise that, generally, placing toxic materials within the solum of the houses would not be acceptable as it could be disturbed by future excavation for extensions, etc.

- 4.3 **Scottish Water** – advise that they will remove their objection to this application if the developer can demonstrate that the development will not have an impact on their assets, or that suitable infrastructure can be put in place to support the development.

**Response:** Noted. In view of the development constraints imposed by the existing infrastructure, I intend to attach a suspensive condition to any consent granted for this site requiring the applicant to confirm that the development can be served by a drainage and water scheme before work starts on site.

- 4.4 **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 controlled waters arising from any ground 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.

**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. The response from Environmental Health is set out above.

## **5 Representation(s)**

5.1 Following the statutory neighbour notification process, two letters of representation were received. These can be summarised as follows:

- (a) **The location and close proximity of the development to house boundaries will cause increased noise, pollution and disturbance. Privacy will also be compromised with dwellings overlooking our property.**

**Response:** The back elevations of the proposed dwellings are 20 metres from the rear of 114 -120 Manse Road, and sit approximately a metre lower. This complies with the Council's Residential Development Guidelines. It is proposed that only bungalows will be located at this part of the application site. A 1.8 metre high timber screen fence currently exists along the common boundary which would help avoid overlooking.

- (b) **The existing carriageway in Manse Road is in poor condition and the disruption with the influx of large and frequent vehicles will be to the detriment of all neighbours. The increase in traffic will cause further problems due to the roadside parking of existing vehicles.**

**Response:** Roads and Transportation Services have no objection to the application in terms of access and parking.

- (c) **We strongly object to 1½-storey houses being built along the fence line of properties on East Forth Road, as there will be a loss of privacy, due to overlooking, regardless of any fencing or tree planting.**

**Response:** All of the proposed houses are orientated on a north-west/south-east axis and, as such, will not directly face the properties on East Forth Road. The side elevations of the 1½-storey houses do not contain windows. At the rear of the application site where the bungalows will be sited, a bedroom window would face East Forth Road properties, but these would be approximately 40 metres distant. I consider that this separation distance and orientation of houses would not result in overlooking or loss of residential amenity.

These letters have been copied and are available for inspection in the usual manner.

## **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 (as finalised), 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 of the Upper Clydesdale Local Plan 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 submitted, as requested, 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 capping the site with clean imported material were proposed by the consultants and this was accepted by Environmental Health. However, in further correspondence, the applicant has now proposed alternative means of tackling the contamination issues. Environmental Services advise that the new remediation proposals for the site do not sit comfortably with the findings and recommendations contained within the submitted site investigation report. The original site investigation data has not been reviewed to assess these changes; due to the lack of information Environmental Services cannot fully comment on the current remediation proposals but do recommend that the proposals not be approved until this matter is resolved. In addition, the Flooding Unit are unable to determine the form and scale of a SUDS scheme to deal with surface water within the site. The application, in its current form, therefore fails to comply 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, the proposed layout and house types is considered to comply with the Council's Residential Development Guidelines and is therefore generally acceptable. However, as stated above (paragraph 6.3), the proposal by the applicant to deal with the contamination issues originally involved capping the site which would result in increasing levels by 750mm throughout the site. The applicant has been requested to submit amended drawings to aid consideration of the impact of these proposals. Instead, they now propose to deal with this in a different manner than that originally recommended by the consultants. Environmental Health have advised that this is not acceptable until further information is submitted and, as such, it is unclear what

the environmental impact and the effect on residential amenity of either solution would be. In addition, the principles of the SUDS scheme cannot be established until this matter is resolved. Accordingly, the proposal fails to comply with Policy ENV29 or Policy ENV36 of the South Lanarkshire Local Plan.

- 6.5 The applicants have been requested to provide additional drawings, a report detailing measures to remediate contamination within the site and a SUDS scheme over a number of months. Given the uncertainty over the contamination issue and the knock-on effect on the other items, I do not consider delaying a decision on the planning application is appropriate. I recommend that planning consent be refused.

## **7 Reasons for Decision**

- 7.1 I consider that the proposal, in its present form, is contrary to the Policy 23 of the adopted Upper Clydesdale Local Plan, and Policies ENV29 and ENV36 of the finalised South Lanarkshire Local Plan.

**Iain Urquhart**

**Executive Director (Enterprise Resources)**

**29 January 2007**

## **Previous References**

- ◆ CL/98/0388

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Scottish Water 08/02/2006
  - Environmental Services 17/02/2006
  - Roads & Transportation Services H.Q. (Flooding) 13/02/2006
  - Roads and Transportation Services (South Division) 15/02/2006
  - S.E.P.A. (West Region) 06/03/2006
  - Environmental Services 22/08/2006
- ▶ Representations
  - Representation from : Mr & Mrs G Allan, 5 East Forth Road, Forth ML11 8AL,  
DATED 27/01/2006
  - Representation from : Robert and Linda Emery, The Robins, 3 East Forth Road  
Forth ML11 8AL, DATED 13/02/2006

## **Contact for Further Information**

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

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## **REASONS FOR REFUSAL**

- 1        The proposal is contrary to Policy 23 of the Upper Clydesdale Local Plan in that:
  - i)    insufficient information has been submitted to allow the proper consideration of the proposal in relation to contamination within the site, resulting in the failure to provide acceptable remediation measures, and,
  - ii)   the applicant has failed to submit details of a Sustainable Urban Drainage Systems scheme appropriate for the site,all to the detriment of the impact on the environment in the surrounding area.
- 2        The applicant has failed to supply sufficient information to allow proper consideration of the proposal, including plans showing finished floor levels within the site and sectional drawings showing the relationship of the proposed development with the surrounding area, and has therefore failed to demonstrate that there would not be an adverse impact on the residential amenity of the surrounding area.
- 3        The proposal is contrary to policy ENV36 of the finalised South Lanarkshire Local Plan in that the applicant has failed to submit details of a SUDS scheme, to the detriment of the amenity of the area and the quality of the local environment.
- 4        The proposal is contrary to policy ENV29 of the finalised South Lanarkshire Local Plan in that the applicant has failed to demonstrate that the proposed development will address sustainable development issues through the failure to submit appropriate remediation measures in relation to land contamination within the site and an acceptable SUDS scheme.



For information only

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