



Report

Report to: **Planning Committee**
Date of Meeting: **8 October 2019**
Report by: **Executive Director (Community and Enterprise Resources)**

Application no. P/19/1038
Planning proposal: Installation of new access to public road and access track to serve proposed restoration of former reservoir to agricultural land (relating to planning application HM/16/0541)

1 Summary application information

Application type: Detailed planning application

Applicant: Advance Construction (Scotland) Limited
Location: Wellbrae Reservoir
Muttonhole Road
Hamilton
South Lanarkshire

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 this application.
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- A mechanism for financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused

on the basis that, without the planning control/ developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Legal Agreement.

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 18 Hamilton West And Earnock
- Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 Spatial Strategy
 - Policy 3 Green Belt and Rural Area
 - Policy 4 Development Management and Placemaking
 - Policy 15 Natural and Historic Environment
 - Policy 16 Travel and Transport
 - Policy 17 Water Environment and Flooding
 - Policy 18 Waste

Supplementary Guidance

- 1: Sustainable Development and Climate Change
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment

Proposed South Lanarkshire Local Development Plan 2 (2018)

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

◆ **Representation(s):**

- 0 Objection Letters
- 0 Support Letters
- 0 Comment Letters

◆ **Consultation(s):**

- Roads Development Management Team
- Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site is a 0.45 hectare strip of farmland running south off Newhousemill Road to the south of Hamilton and down into the former Wellbrae Reservoir. This land would provide vehicular access into the application site of planning application HM/16/0541 which has been lodged for the restoration of the reservoir. This application is the subject of a separate report on the agenda for consideration at today's Planning Committee.
- 1.2 Planning application HM/16/0541 seeks planning permission for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. The proposals also include the re-use, where possible, of any of the imported construction waste to be exported and re-used within the construction industry.

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of an access and haulage route between Newhousemill Road and Wellbrae Reservoir site. As part of the planning assessment of application HM/16/0541, it was considered that the original access proposed off Muttonhole Road was unsuitable for the proposed operations. Following discussions with Roads and Transportation Services and the carrying out of a Road Safety Audit (RSA), the access arrangement is to create the new access off Newhousemill Road, the subject of this application. Newhousemill Road is outwith the application boundary of HM/16/0541 and therefore this planning application has been submitted for the proposed new access. The proposed haulage route will be the only access and egress point for the vehicles importing the inert material to be either re-used or form part of the reservoir infilling proposals.
- 2.2 As part of the infilling proposals, it is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material being able to be reused and exported from the site. It is expected that the infill and subsequent restoration of the reservoir would take up to 8 years with the access and haul route being in situ for the duration of the works. The inert material would be imported by lorry and the maximum number of vehicles proposed on any one day is 60. The vehicles would enter the site via the proposed access and haulage route, cross a weighbridge and then offload within a proposed area of hardstanding for sorting of reusable material. The weighbridge and hardstanding area are outwith the boundary of this application and are located within the application site relating to HM/16/0541.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.
- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal.
- 3.1.3 Given the proposed access and haulage route relate to proposals for the management of inert, building waste either to be reused within the construction industry or to be recycled as infill material for the restoration of a former reservoir it is, therefore, considered that the proposals meet the waste strategy set at a national level through SPP and NPF3. It is, therefore, considered that, at a national level, the proposals comply with waste policy and, therefore, do not require to be further assessed within this high level context.

3.2 Development Plan Status

- 3.2.1 The approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 reiterates the Scottish Government's waste hierarchy of prevention, reuse, recycling, energy recovery and waste disposal.
- 3.2.2 Again, as with para 3.1.3 above, it is considered that the proposals are in line with the GCVSDP's strategic level waste policy and, therefore, there is no further requirement to be assessed against the GCVSDP.
- 3.2.3 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:
- Policy 1 Spatial Strategy
 - Policy 3 Green Belt and Rural Area
 - Policy 4 Development Management and Placemaking
 - Policy 15 Natural and Historic Environment

- Policy 16 Travel and Transport
- Policy 17 Water Environment and Flooding
- Policy 18 Waste

3.2.4 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment

3.2.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In this instance, the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

3.2.6 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

3.3 Planning Background

3.3.1 The reservoir was originally constructed circa the 1850s to serve the Hamilton District but after the district's water supply was upgraded it became redundant and it has not been used for that purpose since before the 1970's. In the 1970's Strathclyde Regional Council used the site for the deposition of materials from work arising from further upgrades of the surrounding water supply system. Following this, the site has lain vacant.

3.3.2 In 2009, planning permission (HM/09/0009) for the 'proposed restoration of former reservoir to provide rough grazing land with associated ecological improvements through the formation of earthworks by placement, processing and grading of imported materials' was refused due to a lack of information on the proposals' impact in terms of noise and the road network as well as the lack of provision of a restoration bond. This application was submitted by a waste disposal company that has since entered administration (circa 2014) and the current applicant has purchased the site from the administrators.

- 3.3.3 As referenced in section 1 and 2 above, this application relates to planning permission HM/16/0541 which seeks consent for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. It is also proposed, as part of this application, to sort the imported material once on site to allow recycling of construction aggregate to be exported for reuse within the construction industry. Planning application HM/16/0541 is, therefore, associated to this proposal and it also requires to be assessed in conjunction with the 'access' application.

4 Consultation(s)

- 4.1 **Roads Development Management Team** – had concerns regarding the original proposed access from Muttonhole Road for Planning Application HM/16/0541. Following discussions with the applicant and the subsequent submission of a stage 1 Road Safety Audit (RSA), a new proposed access and haul road from Newhousemill Road has been promoted. Roads and Transportation Services are content with the proposals subject to the proposed new access being created in line with the RSA. Conditions should also be imposed to control access drainage, maintenance of visibility splays and a Construction Traffic Management Plan. A legal agreement is also required to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals. A condition for the installation of an automatic traffic counter on the access road is also required in relation to the financial contribution.

Response: Noted. This application for the Newhousemill Road access has been submitted to meet Roads and Transportation Services requirements in order to provide an appropriate access for the proposed development relating to Planning Application HM/16/0541. On this basis, conditions relating to the provisions of the RSA, access drainage, a Construction Traffic Management Plan, visibility splays and traffic counters are recommended for both applications. The legal agreement would also require to be attached to both planning applications.

- 4.2 **Roads Flood Risk Management** – no objections subject to the imposition of conditions to comply with the Council's Design Criteria, complete the necessary forms and provide the required information prior to commencement on site.

Response: Noted. The required conditions form part of this recommendation.

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the Hamilton Advertiser on 17th July 2019. No representations have been made in relation to this application.

6 Assessment and Conclusions

- 6.1.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

6.1.2 As noted in 3.2.2 above, the proposed changes are not of a strategic significance that requires any further assessment under the GCVSP. Also, as noted in 3.2.5 above, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In terms of assessment, LDP2 is only referenced below if there is a change in policy context from the adopted SLLDP.

6.2 Adopted South Lanarkshire Local Development Plan 2015

- 6.2.1 The SLLDP's overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' The relevant, specific policies relating to this application are taken in turn below.
- 6.2.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is located within land designated as Green Belt within the SLLDP and is, therefore, required to be assessed against Policy 3 'Green Belt and Rural Area'. Policy 3: states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. In this instance, the proposals relate to the restoration of a disused reservoir. Given the relationship of these proposals to HM/16/0541, the proposal is considered acceptable in this instance. The proposed development relates to the restoration of a former reservoir which will be restored to agricultural land. Furthermore, the works are temporary in nature. It is, therefore, considered that, subject to permission being granted for HM/16/0541, this application is acceptable as it would not undermine the Green Belt strategy and, as such, would meet the development plan criteria under these circumstances.
- 6.2.3 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The proposals are located within agricultural land and the topography of the haulage route descends into the reservoir site which would minimise its visual impact upon the surrounding landscape given it is not elevated. Whilst rural in nature, the surrounding area is urban fringe rural with a landscape that has public roads, farm access and other development throughout and is not a remote, undeveloped area. Therefore, it is considered that a new temporary, haulage route within the landscape would not create a significantly detrimental visual effect on the area. It is, therefore, considered that the proposals accord with the relevant development plan criteria in this regard.
- 6.2.4 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. The nearest designated sites are over 1.4km and 1.8km away from the application site and it is considered that the proposals

would have no effect on their designations. The proposed access and haulage route is through agricultural land that has been cultivated and, therefore, does not offer habitat of significant value. It is, therefore, considered that the proposals would not have an impact upon any natural or environmental assets and accord with the policy criteria.

- 6.2.5 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire's Guidelines for Development Roads.
- 6.2.6 Following a Road Safety Audit (RSA) and discussions with Roads and Transportation Services, it was acknowledged that the original proposed access off Muttonhole Road associated with HM/16/0541 was unsuitable for vehicles importing material to the site. This current application has been designed taking cognisance of the RSA and the discussions with Roads and Transportation Services, and, therefore, conforms to their guidelines subject to the conditions referenced in section 4 above being imposed, should planning permission be granted. It is, therefore, considered that the proposals conform within the criteria of Policy 16 of the SLLDP.
- 6.2.7 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. South Lanarkshire Council's Flooding Team have no objections to the proposals subject to the use and maintenance of sustainable drainage of surface water for the access and haulage route and that the Council's documentation required under the terms of design criteria guidance is completed and submitted. It is, therefore, considered that, subject to conditions requiring the aforementioned criteria, the proposals comply with the relevant criteria of the Development Plan in this respect.
- 6.2.8 SLLDP Policy 18 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. As referenced in paragraphs 6.2.1 and 6.2.2, the proposals relate to the restoration of a former reservoir and the proposals require to be assessed in tandem with planning application HM/16/0541. If HM/16/0541 is considered acceptable, then this application would also be acceptable. It is, therefore, considered that the location of the site is considered acceptable under these terms and, as such, is not in conflict with Policy 18.
- 6.2.9 Finally, the proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal also accords with the policies of the proposed plan.
- 6.2.10 In conclusion, the proposed development is considered acceptable and would not have an adverse impact on road safety or the amenity and rural character of the area. The proposed haulage road is required in association with proposals for restoration of a former reservoir and, subject to the imposition of the attached

conditions, the proposed access would not be detrimental to road safety or the environment. It is, therefore, recommended that planning permission is granted subject to a legal agreement to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with Policies 1, 3, 4, 15, 16, 17 and 18 of the adopted South Lanarkshire Local Development Plan 2015, Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design, Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 16 September 2019

Previous references

- ◆ HM/09/0009
- ◆ HM/16/0541

List of background papers

- Application form
- Application plans
- South Lanarkshire Local Development Plan 2015 (adopted)
- Proposed South Lanarkshire Development Plan 2
- Neighbour notification advert 17th July 2019

- Consultations
 - Roads Development Management Team 09.08.2019
 - Roads Flood Risk Management 14.08.2019

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB
Phone: 01698 455903
Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/1038

Conditions and reasons

01. The access and haulage road, hereby approved, by this permission shall be removed and the site restored in accordance with the condition 2 of this permission no later than 10 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.

Reason: In order to define the terms of the consent.
02. That within 5 years of the date of this permission, a final, full restoration and aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter the site shall be restored within the timescales as approved.

Reason: In order to define the terms of the consent.
03. That before the access, hereby approved, is brought into use a Stage 2 Road Safety Audit shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Stage 2 Road Safety Audit shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.
04. That automatic traffic counters shall be installed within the site to ensure all vehicle movements are captured. The information gained from these traffic counters shall be made available within 2 weeks of any request for them by the Council as Planning Authority. For the avoidance of doubt weighbridge records shall also be made available within 2 weeks of any request by the Council, as Planning Authority.

Reason: In the interests of road safety.
05. That before any work is carried out on site a Construction Traffic Management Plan shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Construction Traffic Management Plan shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.
06. That all areas of new hardstanding, including any works on the public road, shall be adequately drained in accordance with SuDS.

Reasons: In the interests of drainage.

07. That wheel wash facilities shall be retained on site for the duration of the infill and restoration activities hereby approved. All HGV's departing the site shall pass through the wheel wash facilities and shall be clear of mud and debris at all times before entering onto the public road network.

Reason: In the interests of road safety.

08. That the visibility splays shown on drawing ACS-E-1000 shall be maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

9. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved 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. Monitoring results shall be readily available to Officers of the Council investigation adverse comments.

Reason: In the interests of amenity and air quality.

10. That no later than 3 months from the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;

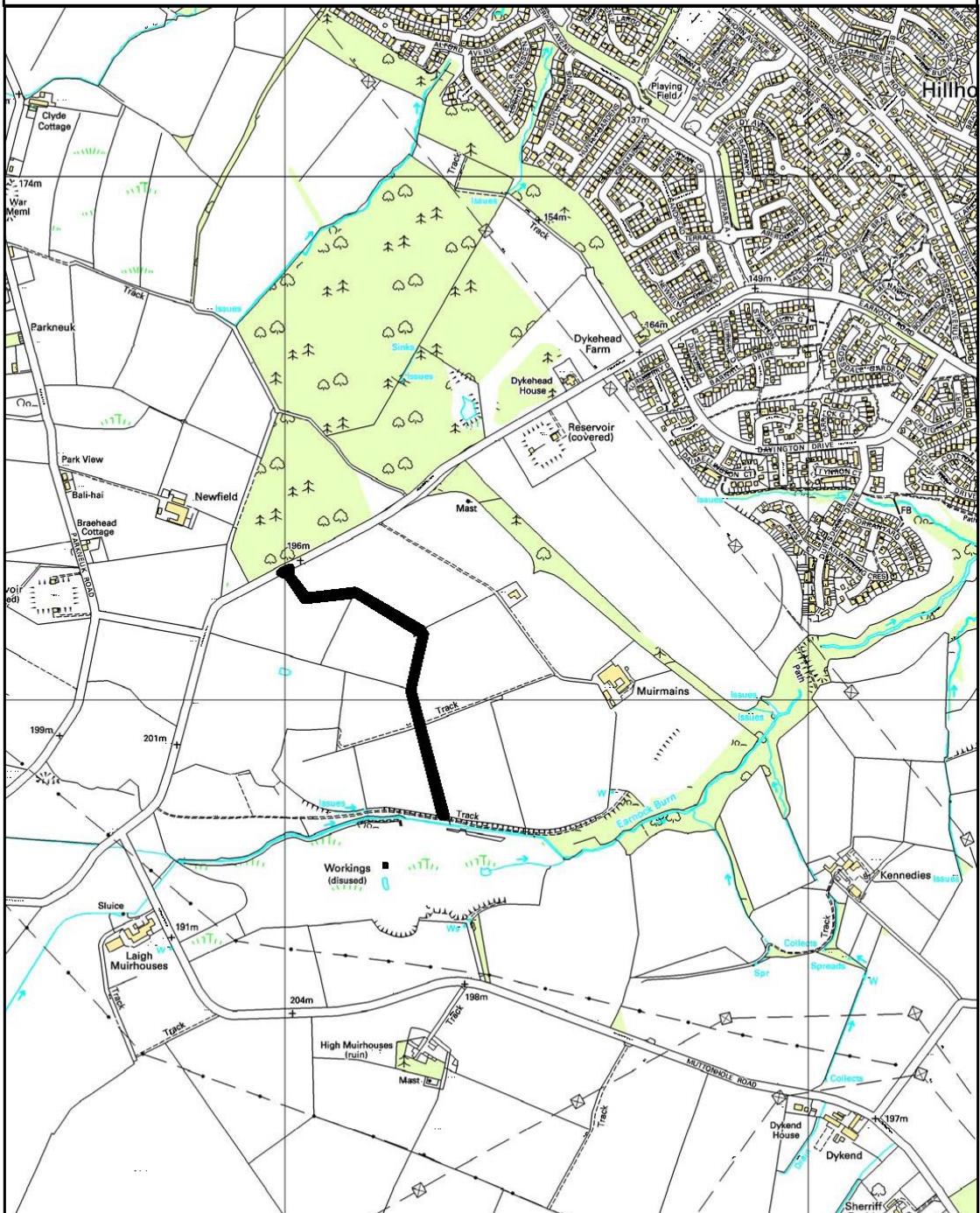
- i) be granted in favour of the Council as Planning Authority
- ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
- iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
- v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall cover the period from on or before commencement and to 12 months after the end of the aftercare period without any break in cover.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

Reason: In order to ensure satisfactory restoration

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Wellbrae Reservoir, Muttonhole Road, Hamilton



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Scale:
1:10,000
Date:
09/09/2019



South Lanarkshire Council
Community and Enterprise Resources