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| Report to: | Planning Committee |
| Date of Meeting: | 30 August 2005 |
| Report by: | Executive Director (Enterprise Resources) |

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| Application No | HM/05/0341 |
| Planning Proposal: | Upgrading of Waste Water Treatment Works Comprising New Aeration Tank, Aeration Blowers, Associated Kiosks and Retaining Wall and Formation of Escape Stair to Offices |

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Scottish Water
- Location : Hamilton Water Waste Treatment Works
Bothwell Road
Hamilton

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Permission – Subject to Conditions (based on the conditions attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The proposal is contrary to the development plan and an objection has been received. In accordance with Council procedures a hearing may be required prior to the determining of the application.

3 Other Information

- ◆ Applicant's Agent: Scottish Water Solutions
- ◆ Council Area/Ward: 38 Whitehill
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy EN1a – Greenbelt.

- ◆ Representation(s):
 - ▶ 1 Objection Letter

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

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

Scottish Natural Heritage

Planning Application Report

1 Application Site

- 1.1 This application relates to land within the Hamilton Waste Water Treatment Works on Bothwell Road in Hamilton. The site is located in the eastern corner of the grounds of the treatment works and is occupied by a woodland largely comprised of semi-mature and self seeded trees. The land to the west is occupied by existing tanks and plant associated with the treatment works. A dwellinghouse occupied by the site manager is located 40m from the site while a further house which has been sold by the applicants sits at the entrance to the treatment works on Bothwell Road. The grounds of Hamilton Park Racecourse are to the south and east of the site while the animal rescue facility is on the south western boundary. The land to the north is occupied by mature woodland beyond which is the River Clyde. There is also woodland on the eastern and southern boundaries between the site and the racecourse/rescue centre.
- 1.2 The land to the north forms part of the Hamilton Low Parks Site of Special Scientific Interest which is designated for its semi-natural ancient woodland and ornithological interests while the land to the south east is the Hamilton Park Racecourse Woods Site of Importance for Nature Conservation which contains long established woodland of plantation origin.

2 Proposal(s)

- 2.1 The application seeks detailed planning consent for a range of upgrading works to the treatment plant. The major part of the proposals involve the erection of an activated sludge tank measuring 58m by 45m with a maximum height above ground level of 8.45m. Excavations would be carried out to lower the ground levels of the site of the tank. Three aeration blower units (maximum height 2.2m) and a motor control centre (maximum height 3m) are proposed to the east of the sludge tank. A 4m high and 135m long bund would be created around the southern and eastern boundaries of the tank. A similar 35m long bund would be formed between the site manager's house and the proposed tank. The bunds would be created from the earth excavated from within the site and replacement tree planting carried out on them. In addition, new pipelines linking the proposed sludge tank to existing tanks would be provided along the southern boundary, although these features are permitted development.
- 2.2 A statement from the applicants confirms that these proposals are required to comply with new discharge consent requirements from Scottish Environmental Protection Agency, resulting in the need for a nitrification stage to be added to the treatment process. The upgrading will result in an improvement to the quality of effluent discharged into the Clyde and an overall improvement in water quality within its catchment.
- 2.3 The proposal will involve the removal of around 170 trees of mainly low quality, including silver birch, willow, sycamore, ash and hazel. In addition, a habitat survey found badgers use the site for foraging but that the loss of this site would not be significant as a result of other foraging opportunities in the area. Bats are known to use the site although no field work has been carried out to assess its importance as a habitat.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is identified as lying within the Green Belt in the adopted Hamilton District Local Plan. Policy EN1a states that there will be a strong presumption against development unless it is shown to be necessary for the furtherance of agriculture or other uses appropriate to the Green Belt and provided there are no significant adverse effects on sensitive landscapes or agricultural operations. Development that accords with policy will be required to be located and designed to be visually and physically unobtrusive.

3.2 National Advice/ Guidance

- 3.2.1 Circular 24/1985 (Development in the Countryside and Green Belts) sets out the principles underlying Green Belt designation and forms the basis for Green Belt policy at a strategic and local level. It attaches importance to the preservation of existing Green Belts and the strict control of development within them. The three main purposes of the Green Belt are set out as:

- a) Maintaining the identity of towns by establishing a clear definition of their boundary and preventing coalescence of settlements.
- b) Providing countryside for recreation or institutional purposes of various kinds.
- c) Maintaining the landscape setting of towns.

3.3 Planning History

- 3.3.1 There have been no planning applications for this site.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – have no objections.

Response: Noted.

- 4.2 **Scottish Environmental Protection Agency** – They welcome the proposal and recognise the improvements will increase the capacity of the treatment works as well as improving the quality of treatment.

Response: Noted.

- 4.3 **Environmental Health** – No objections subject to limits on the noise levels that should be emitted.

Response: This can be covered by conditions if consent is granted.

- 4.4 **Scottish Natural Heritage** – Object to the application unless it is made subject to conditions which satisfactorily address the potential impact of the development on the following natural heritage matters;

- a) The maintenance of the integrity of an existing boundary fence between the site and the SSSI.
- b) No plant, machinery or materials to be stored within the SSSI during development.
- c) The submission of proposals showing how a suitable habitat for foraging badgers will be created and maintained.
- d) The carrying out of fieldwork to assess the status of bats within the site before development commences.
- e) The erection of bat boxes to mitigate the loss of potential bat roosts caused by the proposed removal of trees.

- f) No trees to be removed during the bird breeding season and bird boxes to be erected to mitigate the loss of potential nest sites.
- g) Details to be submitted of proposed tree planting in the bunds to be created.
- h) The final contouring of the bunds to be agreed before work starts to provide a natural profile.
- i) Existing trees that would be retained to be protected during construction.
- j) A woodland management plan be prepared for the site before any development starts.

Response: The applicants have been in direct discussion with SNH on these points and accept the need to attach conditions to offset the potential impact on natural heritage resources. I am therefore satisfied that the proposals will not have an adverse impact on the adjacent SSSI/SINC.

5 Representation(s)

5.1 Statutory neighbour notification has been carried out and the application was advertised in the local press as Development Potentially Contrary to the Development Plan. One letter of objection has been received from the occupier of the house at the entrance to the treatment works.

5.2 The grounds of objection are summarised as follows;

a) The aeration blowers make a penetrating droning noise which will lead to disturbance, especially as they operate on a 24 hour basis.

Response: The aeration blowers would be located 550m from the objector's property and be situated behind the sludge tank with their highest point being 3m below the top of the tank. In addition, the condition suggested by Environmental Health relating to maximum noise levels would provide comfort that excessive levels can be mitigated if necessary. The applicants have confirmed these levels will be met.

In addition, the applicants advise that the blowers are housed in acoustic kiosks and operate on an "as required" basis i.e. the blowers will be at their lowest speed at night when sewage flow to the works is at its lowest.

As a result, I am satisfied that there would not be an adverse impact on residential amenity.

This letter has been copied and is available for inspection in the usual manner.

6 Assessment and Conclusions

6.1 The issues to be considered in determining the application are whether the proposal complies with local plan policy, and the impact on natural heritage and residential amenity.

6.2 In terms of local plan policy, the application site lies in the designated Green Belt wherein there is a strong presumption against development unless it is necessary for the furtherance of agriculture or other appropriate Green Belt uses. The proposals are therefore contrary to the local plan. The question is whether an exception to this policy is justified by other material considerations.

- 6.3 In this case, Scottish Water are under an obligation to improve the quality of effluent that is discharged to the River Clyde in order to meet new requirements imposed by SEPA. These works have to be provided within the operational limits of the existing treatment works. However, there are only two possible alternative locations to accommodate a structure of the size proposed, namely on land at the entrance to the site which is highly visible from Bothwell Road and adjacent to the objectors house and on land next to the River Clyde which is within the SSSI. These locations are not acceptable in planning terms.
- 6.4 In term of the suitability of the application site; the proposal should be assessed against the three main purposes of the Green Belt set out in Circular 24/1985. The encroachment of development into this part of the Green Belt would not affect the identity of Hamilton as the site is self contained by existing mature woodland and the proposal will not result in coalescence between Hamilton and Bothwell. The site is not accessible by the general public and would not be made available for recreation purposes for operational and safety reasons. Finally, the landscape setting of Hamilton will be maintained through the retention of existing woodland and the carrying out of substantial additional planting. The proposed development will not be visually obtrusive while the proposals will result in improvement to water quality in the Clyde catchment area. As a last resort Scottish Water could consider the development of a new waste water treatment works. This would highly costly and likely to have a significant environmental impact. I therefore consider that an exception to established Green Belt policy is justified in this case.
- 6.5 The proposals do involve the felling of around 170 trees and a potential impact on the adjoining natural heritage interests. The area of trees to be felled are not of a high quality and indeed SNH have not objected to their removal on the basis of their character. In my view, the necessity of the proposed works and the resulting improvements to water quality in the Clyde catchment overrides the requirement to retain these trees while additional planting will offset these losses. SNH have raised a number of issues that they wish to be subject to conditions if consent is granted and the applicants are aware of, and agreeable to them. The proposals will not impinge on the important natural heritage resources in the vicinity of the site and therefore any potential environmental impact will be minor
- 6.6 With regard to the impact on residential amenity, concerns have been raised by a nearby resident that the aeration blowers will generate noise disturbance especially at night. The nearest domestic property is a considerable distance from these machines and is intervened by existing plant, the proposed sludge tank and existing and new planting. The method of operation also means that noise levels will be lowest at night while the noise limits suggested by Environmental Health means any abnormal levels can be managed.
- 6.7 In view of the above I recommend that planning permission be granted. The proposals are contrary to the policies in the adopted Hamilton District Local Plan which identifies the site as lying in the Green Belt. The proposals can be considered an acceptable departure from the development plan for the following reasons;
- a) The proposals are an acceptable form of development in the Green Belt in that they involve an extension to an existing treatment works on a site within a mature landscape setting.

- b) The applicants are statutory undertakers under a strict obligation to improve the quality of effluent discharge in order to comply with requirements imposed by SEPA. This will result in an overall improvement to water quality in the Clyde catchment.
- c) The proposals will not impinge upon or adversely affect any sensitive landscapes or natural habitats while additional tree planting and measures to mitigate the environmental impact of the development would be carried out by the developer.
- d) The proposed development is visually unobtrusive and will not harm the enjoyment of the surrounding countryside.

Iain Urquhart
Executive Director (Enterprise Resources)

11 August 2005

Previous References

None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

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| S.E.P.A. (West Region) | 15/06/2005 |
| Roads and Transportation Services (Hamilton Area) | 06/06/2005 |
| Environmental Services | 01/06/2005 |
| Scottish Natural Heritage | 24/06/2005 |
- ▶ Representations

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| Representation from : | Mr. N. Ford, The Bungalow, 106 Bothwell Road, Hamilton, DATED 29/06/2005 |
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Contact for Further Information

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

Tony Finn, Planning Officer, Brandon Gate, Hamilton
 Tel: Ext 3509 (01698 453509)
 E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That no trees on the site shall be lopped, topped or felled without the prior written consent of the Council as Planning Authority and that two copies of a plan shall be submitted to the Council indicating the existing trees on the site, including a note of height, species, base level and extent of canopy or branch spread, those to be retained and any proposed planting of trees and that no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.
- 3 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.
- 4 That before any work commences on the site, a scheme of landscaping 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.
- 5 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.
- 6 That before any work commences on site, a woodland management and maintenance scheme within all of the land in the control and ownership of the applicants shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) proposals for the continuing care, maintenance and protection of the trees, shrubs and hedges including details of the timing and phasing of all such works; (b) details of the number, variety and size of trees and shrubs to be planted and the phasing of such works.
- 7 That prior to the completion of the development hereby permitted, the woodland maintenance and management scheme approved under the terms of Condition 6 above, shall be in operation.
- 8 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.

- 9 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.
- 10 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 11 Between the hours of 0800 and 2000 the noise emitted from the development hereby approved (Leq(1hr))shall not exceed the pre-existing background noise level (L90(1/2hr)) by more than 4dBA when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.

Between the hours of 2000 and 0800 the noise emitted from the development hereby approved (Leq(5mins))shall not exceed the pre-existing background noise level (L90(1/2hr)) by more than 4dBA when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.
- 12 That the existing fence along the boundary marked in GREEN on the approved plans shall be maintained to the satisfaction of the Council as Planning Authority throughout the duration of the works required to implement the consent. No plant, machinery or materials shall be stored outwith the application site during this period.
- 13 That before any work starts on site a badger survey within the application site shall be carried out to the specification of the Council as Planning Authority. In particular, the survey shall examine the extent to which the site is used for foraging and demonstrate through a maintenance plan how a suitable habitat for foraging badgers will be created and maintained. No work shall start on site until these details have been approved in writing by the Council. The approved scheme shall include timescales for implementation and these shall be adhered to unless otherwise agreed in writing by the Council.
- 14 That before any development starts on site, a survey of bat activity shall be carried out to the specification of the Council as Planning Authority and submitted for the consideration and written approval of the Council. The survey shall include measures to mitigate the potential loss of bat roosts and foraging areas and in particular will include proposals for the erection of bat boxes at suitable locations. No trees shall be felled until they have been examined for the presence of bat roosts and the mitigation measures have been approved in writing by the Council.
- 15 That no tree or shrub removal shall take place during the bird breeding season unless otherwise agreed in writing by the Council as Planning Authority. Any felling that is required within the bird breeding season shall not take place until the affected trees and shrubs have been checked for nests. Details of bird boxes to be erected around the site shall be submitted for the approval of the Council before any work starts on site and the approved scheme shall be implemented in a timescale to agreed with the Council.
- 16 That before any work starts on site, details of the contouring of the bunds shall be agreed in writing with the Council as Planning Authority.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure the protection and maintenance of the existing mature trees within the site and to retain effective planning control.
- 3 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 4 In the interests of the visual amenity of the area.
- 5 In the interests of amenity.
- 6 To ensure the protection and maintenance of the existing woodland within the area
- 7 In order to retain effective planning control
- 8 In the interests of amenity and in order to retain effective planning control.
- 9 In the interests of amenity and in order to retain effective planning control.
- 10 In the interests of amenity and in order to retain effective planning control.
- 11 To protect local residents from noise nuisance
- 12 In order to protect the integrity of the adjacent Hamilton Low Parks Site of Special Scientific Interest.
- 13 To ensure that badger setts and their foraging areas within the application site are protected, enhanced and maintained.
- 14 To ensure that bat roosts and foraging areas within the application site are protected and maintained.
- 15 To ensure that opportunities for breeding birds within the application site are protected and maintained.
- 16 In the interests of the visual amenity of the area.

For information only

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