

# Report

# 6

Report to:	<b>Hamilton Area Committee</b>
Date of Meeting:	<b>06 April 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/10/0518
Planning Proposal:	Installation Of Partially Buried CSO Chamber and Concrete Headwall with Re - Profiling of Grounds and Ancillary Development off Wellhall Road Opposite Junction with Allanshaw Gardens, Hamilton

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Scottish Water
- Location : Off Wellhall Road,  
Opposite Junction with Allanshaw Gardens  
Hamilton

## 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 the Conditions Attached).

## 2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
ENV 2 - Local Green Network Policy  
DM1 – Development Management

- ◆ Representation(s):

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

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services H.Q. (Flooding)

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

Land and Fleet Services (Arboriculture)

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site extends to approximately 1,000 square metres and is located in a secluded wooded hollow situated off Wellhall Road adjacent to the Wellshaw Burn opposite Allanshaw Gardens. The application site is covered by a Tree Preservation Order (ref TPO8 – Wellhall Road) and is owned by the Council.
- 1.2 Modern house building is taking place to the north west of the site (CALA Homes; consent HM/09/0418), the remainder of the area surrounding the site (further woodland excluded) being residential in nature.
- 1.3 A 1700 mm high concrete wall separates the site from Wellhall Road.

### **2 Proposal(s)**

- 2.1 The proposal is an integral component of work being undertaken by Scottish Water throughout the Hamilton area to improve the treatment of surface water prior to discharge to watercourses, in this instance the Wellshaw Burn. The majority of the development associated with the proposal are considered to be “Permitted Development” under the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No 2) Order 1997. Certain aspects however do require consent, namely:
  - (a) The construction of a new Combined Sewer Overflow Chamber with a 1.1m high handrail to replace an existing unsatisfactory chamber which currently discharges unscreened flows into the burn.
  - (b) A new concrete headwall will also be built to support the outfall pipe where it meets the burn with the area behind the wall being infilled (approximately 900 mm) with the localized area being re-profiled as appropriate.

Work associated with the proposal includes the installation of an access gate, footpath and erection of 1.1m high telemetry bollard. In addition a temporary access road and bridge will be formed from the access road serving the CALA development to allow access to/from the site

- 2.2 The works form part of a package of improvements being carried out by Scottish Water to improve waste water treatment within the Hamilton Catchment Area in order to comply with the Urban Waste Water Treatment Directive, Fresh Water Fish Directive and Water Framework Directive.

### **3 Background**

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

- 3.1.1 The relevant policies in terms of the assessment of this application are Policies ENV2 – Local Green Network and DM1 – Development Management. The content of these policies and how they relate to this proposal are assessed in detail in Section 6 of this report.

#### **3.2 Relevant Government Guidance/ Advice**

- 3.2.1 The recently published Scottish Planning Policy (which supersedes all other SPP's) contains a section on Sustainable Economic Growth. This states that infrastructure development is one of the five strategic priorities that are critical to sustainable economic growth.

## 4 Consultation(s)

4.1 **SEPA** – Initially expressed concern that the proposal would increase the risk of flooding given that the site is within the 1 in 200 year flood envelope. Consequently further information was required from the applicant. Subsequent discussions have taken place between the parties concerned and a Flood Risk Report was submitted on behalf of the applicant which indicates that the effect of the new structure is negligible and it would have a minimal impact on the functional flood plain. In response SEPA have now indicated that they have no objection to the proposal.

**Response** – Noted.

4.2 **Roads and Transportation Services H.Q. (Flooding)** – The requirements of the Flood Prevention Unit have been addressed in a satisfactory manner.

**Response** – Noted.

4.3 **Roads and Transportation Services (Hamilton Area)** – Recommend that the applicant must obtain all necessary permissions and approval from relevant land owners prior to work commencing on site. The access gate alongside Wellhall Road that forms part of this proposal must open inwards in order that it does not obstruct the safe movement of pedestrians and should be locked when not in use. Should the applicant wish to access the construction site from Wellhall Road delivery times should be restricted. All traffic management proposals must be approved by this Service prior to implementation.

**Response** – The applicant has advised that he has contacted all owners of the site as part of the planning application submission. As regards the locking and operation of the gate, access arrangements during the construction phase as well as matters relating to traffic management, these issues can be addressed by suitably worded conditions should consent be granted.

4.4 **Land and Fleet Services (Arboriculture)** – Has no objection to the proposal subject to the trees surrounding the temporary access track, which is outwith the application site, being suitably protected during the construction phase. Any tree felling works should be the subject of suitable replacement planting. In terms of the temporary access track the route should be marked out and agreed with the Council as Planning Authority prior to work starting on site.

**Response** – The applicant is aware that the trees adjoining the site are protected by a Tree Preservation Order and that any work to them requires the prior written approval of the Council as Planning Authority.

## 5 Representation(s)

Statutory neighbour notification procedures were undertaken. The application was also advertised in the Hamilton Advertiser in respect of non notification of neighbours. No letters of objection have been received.

## 6 Assessment and Conclusions

6.1 This application relates to the construction of a headwall and associated works on the banks of, and adjacent to, the Wellshaw Burn. The proposal forms part of a package of works being carried out by Scottish Water in Hamilton to improve surface water treatment in order to comply with various European Directives. Currently unscreened flows are discharged from the existing Combined Sewer Overflow chamber into an overflow pipe which then flows into the Wellshaw Burn. It is proposed that a new partially buried Combined Sewer Overflow Chamber, which will screen the flow, will be constructed downstream from the existing chamber. A new headwall and limited infill operations are also required. The outfall pipe itself is

considered to be permitted development as it will be below ground. The determining issues in consideration of this application are its compliance with national and local plan policy and its effect on the local amenity.

- 6.2 In relation to National Planning Policy this proposal will improve the efficiency of the existing system and the overall quality and appearance of the burn. This accords with national policy which recognises that infrastructure development is one of the strategic priorities critical to economic growth as well as contributing to high quality sustainable places. The proposal will also ensure that a number of European Directives are met in respect of waste water treatment.
- 6.3 In terms of local plan policy the application site falls within an area covered by Policy ENV2 – Local Green Network. In such locations development that is likely to have an adverse effect on its connectivity or its value for biodiversity would not be supported. Currently unscreened flows are spilled, on occasion, from the chamber into the Wellshaw Burn. It is considered that that the works proposed as part of this proposal will improve the aesthetics by reducing the level of debris that flows into the burn. While it is accepted that there will be some loss of tree cover (small trees and shrubs and two mature trees) it is considered that this can be addressed by suitable replacement planting. On this basis it is therefore considered that this proposal raises no issues in terms of this policy.
- 6.4 In relation to Policy DM1 (Development Management) all proposals require to take account of the local context and built form. In this case it is considered that whilst some tree felling will be required to accommodate the installation of the new works sufficient tree coverage will remain to screen the development from the north and east. The existing wall alongside Wellhall Road will ensure that the development is not visible from the roadway. In addition appropriate measures shall also be put in place to ensure that the existing trees to be retained shall be protected during the construction phase. It is therefore considered that this proposal raises no issues in terms of this policy.

## **7 Reasons for Decision**

- 7.1 Given the above assessment it is considered that the proposal accords with the policies of the adopted South Lanarkshire Local Plan (Policy ENV2 – Local Green Network and Policy DM1 – Development Management). In addition the proposal will improve water quality within the burn with resultant benefits to the wider environment.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**29 March 2011**

## **Previous References**

- ◆ None

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan (Adopted)
- ▶ Neighbour notification letter dated 25 October 2010
- ▶ Press advert, Hamilton Advertiser, dated 4 November 2010

### ▶ Consultations

Roads and Transportation Services (Hamilton Area)	18/11/2010
S.E.P.A. (West Region)	03/11/2010
S.E.P.A. (West Region)	03/11/2010
S.E.P.A. (West Region)	10/03/2011
Roads & Transportation Services H.Q. (Flooding)	10/12/2010
Roads & Transportation Services H.Q. (Flooding)	03/12/2010
S.E.P.A. (West Region)	03/11/2010
Roads & Transportation Services H.Q. (Flooding)	03/12/2010
Scottish Water	29/11/2010

### Contact for Further Information

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

Mary McGonigle, Planning Officer, Brandon Gate, Hamilton  
Ext 3550 (Tel: 01698 453550)  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto:Enterprise.hamilton@southlanarkshire.gov.uk)

## Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/10/0518

### CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers:  
031417 – 0000 – 20 – DRG – 9622 – 0A,  
031417 – 0000 – 20 – DRG – 9621 – 0A,  
031417 – 0000 – 20 – DRG – 9913 – 0C,  
031417 – 0000 – 20 – DRG – 9920 – 0D,  
031417 – 0000 – 20 – DRG – 9912 – 0C,  
031417 – 0000 – 20 – DRG – 9911 – 0D
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 4 That in respect of the trees which are to be removed suitable replacement planting shall be carried out during the next available planting season to the satisfaction of the Council as Planning Authority.
- 5 That the access gate to be installed as part of this proposal shall only open inwards in order to avoid any obstruction or danger to pedestrians using the footway. The gate should be locked at all times and only unlocked when access to the site is required for operational reasons and thereafter maintained to the satisfaction of the Council.
- 6 That any vehicular access or servicing of the site from Wellhall Road shall not be permitted before 09-30 hrs or after 16-00 hrs.

### REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made
- 2 In the interests of amenity and in order to retain effective planning control.
- 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 amenity.
- 5 In the interest of public safety
- 6 In the interest of road safety

For information only

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