

	<h1>Report</h1>	Agenda Item <h2>3</h2>
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Report to:	Planning Committee
Date of Meeting:	7 June 2005
Report by:	Executive Director (Enterprise Resources)

Application No	HM/04/0935
Planning Proposal:	Residential Development (Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Philips Lighting
- Location : Land to south east of Wellhall Road
Hamilton

2 Recommendation(s)

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

- (1) GRANT OUTLINE PLANNING PERMISSION (SUBJECT TO THE CONDITIONS – BASED IN CONDITIONS LISTED OVERLEAF)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) The application is contrary to the Development Plan and an objection has been received. In accordance with Council procedures, a hearing may be required prior to determining the application.
- (3) Consent shall not be issued until a financial contribution of £30,000 is received from the applicant towards local road improvements.

3 Other Information

- ◆ Applicant's Agent: Bryce Associates
- ◆ Council Area/Ward: 44 Wellhall/Earnock
- ◆ Policy Reference(s): Hamilton District Local Plan
Policy ED1 Industrial Land

- ◆ Representation(s):
1 Objection letter

◆ Consultation(s):

Greenspace

Environmental Services

Roads and Transportation Services (Hamilton Area)

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

Scottish Water

Roads & Transportation Services H.Q. (Geotechnical)

Scottish Natural Heritage

Economic Development (Business Development & Projects)

Community Resources

Planning Application Report

1 Application Site

- 1.1 This application relates to 7.15 hectares of land which forms part of the Philips Lighting factory complex on Wellhall Road, to the West of the town centre. The site lies within a predominately residential area, with housing abutting the north-eastern and south-western boundaries. The Earnock burn and its wooded banks extend along the eastern boundary, beyond which lies further housing.
- 1.2 The factory complex fronts onto Wellhall Road, a main distributor which carries traffic between Peacock Cross and the west of Hamilton, ultimately becoming Newhousemill Road which leads to East Kilbride. Access is presently taken from a roundabout which is shared with the recently vacated Safeway store situated on the opposite side of Wellhall Road. A pedestrian access also exists at the western end of the site, leading from Woodfoot Road past the recently developed former car park which was declared surplus to requirements by the applicant a few years ago.
- 1.3 The overall complex contains seven purpose built buildings and associated plant and car parking. The application site lies to the side and rear of the main operational facilities and comprises three redundant buildings and an area of scrub.

2 Proposal(s)

- 2.1 The applicant seeks outline consent to develop the site for residential purposes, accessed via an extended roundabout orientated to provide separate residential and industrial access points. This would also entail alterations to the access arrangements within the contracted site area, together with the reconfiguration of existing parking areas, the formation of new parking bays and the redesignation of trailer positions to meet operational requirements within the remaining site.
- 2.2 The application has been accompanied by a Transport Assessment, Noise Assessment, Badger survey report and a Nature Conservation report. The site contains a live badger sett and is also an important foraging resource for the local badger population. The proposals contain mitigation measures which would safeguard the interests of this protected species.
- 2.3 The application contains an indicative layout showing a total of 84 flats and 38 houses, the flats being located at the entrance and along the boundary with the factory, taking the form of 3 and 4 storeys. This layout is not being assessed as part of this outline application.

3 Background

3.1 Local Plan Policy

- 3.1.1 The application site is recognised in the local plan as a main area for industrial development. Policy ED1 states that the loss of industrial buildings or land to other uses will generally be resisted. Policy EN6 of the local plan provides protection to wildlife corridors and potential wildlife links so as to conserve an integrated system of wildlife habitats. Policy EN 7 states that the Council will protect important tree groups.

3.2 Structure Plan Policy

- 3.2.1 The Structure Plan aims through strategic policy 5 to support economic development at Strategic Business Locations, with a requirement to maintain a minimum 10 year land supply. While the application site is zoned in the local plan for industrial use, it is not classified as a strategic business location. The proposal does not therefore raise any strategic issues.

3.3 Government Policy

- 3.3.1 **Scottish Planning Policy 2, Economic Development** states that planning authorities are required to ensure that existing business locations are able to meet anticipated changes in the economy and provide choice for a range of economic developments. They are also required to secure and support delivery of sites in sustainable locations. The policy note goes on to say that where businesses fall out of use in locations no longer appropriate for business/industry, these sites should be rezoned.

- 3.3.2 **SPP1 'Planning for Housing'** sets out the Government's view on the location and provision of new housing and states that planning authorities should be promoting the re-use of previously developed land in preference to greenfield land provided that a satisfactory residential environment can be created and the site is well integrated with the public transport network.

- 3.3.3 **National Planning Policy Guideline 14 'Natural Heritage'** states that the presence of a protected species is a material consideration in the assessment of development proposals and that planning authorities should seek to avoid harm to such species. NPPG14 also directs planning authorities to protect woodland areas where they have nature conservation value.

- 3.4 It should also be noted that badgers and their setts are given statutory protection under the terms of the Protection of Badgers Act 1992.

3.5 Company Background

- 3.5.1 Philips have had a manufacturing facility in Hamilton since 1946 and currently run two successful businesses on the site, the manufacture of low pressure sodium lamps (for worldwide supply) and the manufacture of a wide range of lamp fittings. The company currently employs around 360 people in Hamilton.

- 3.5.2 Following an analysis of their current and future space requirements, Philips are in the process of rationalising their operation into four of the seven buildings within the site, the reasons for this being based on efficiency improvements, increased automation, stock reductions and the transfer of the incandescent lamp manufacture to Eastern Europe 4 years ago. This exercise will leave around 7.15 hectares of surplus land which is the subject of this application. The rationalised facility will require a substantial infrastructure upgrade and will leave adequate room for future expansion.

4 Consultation(s)

- 4.1 **South Lanarkshire Council Roads and Transportation** – raise no objections subject to the following:

- access being taken from a new 5-arm roundabout on Wellhall Road

- satisfactory modifications being carried out within the remaining industrial site
- the relocation of a nearby bus layby on Wellhall Road and the provision of new bus shelters
- the provision of new and improved footways linking the development into the existing footway rework

In terms of wider traffic impact, it is recognised that this development would have an impact on overall journey times along Wellhall Road. It is the Council's longer term objective to construct a link road at Peacock Cross and a revised traffic management system around Almada Street. However, more immediate short term mitigation measures will be required to improve capacity on this busy road network and to this end the applicant has agreed to a contribution of £30,000 towards such improvements.

The Geo-technical engineer advises that the stability of the bank of Earnock Burn which forms the rear boundary of the site will require full investigation and any requisite remedial works to address any problems of erosion carried out prior to work commencing on site

Response: These points will be covered by Conditions

4.2 **South Lanarkshire Council Environmental Health** – no objections subject to the following:

- provision of acoustic ventilation and double glazing on dwellings with windows on the facades facing the access road and on all habitable rooms with line of sight of the Philips Lighting site
- construction of a 2 metre high, imperforate wall or fence along the boundary within the factory
- implementation of all other measures stipulated in the Noise Impact Assessment
- additional contamination testing to further identify the extent of certain types of contamination, together with a report on remediation options and a final remediation plan

Response: These points will be covered by condition on any consent granted.

4.3 **South Lanarkshire Council Economic Development** advise that the factory is in need of extensive refurbishment and that, despite securing some grant assistance, a financial gap still requires to be bridged if Philips are to accomplish their upgrading proposals and consolidate their long established onsite trading activities. The need to realise a cross – subsidy via residential land values would therefore appear to be compelling in this particular case.

Response: Noted.

- 4.4 **SEPA** – no objections subject to satisfactory provision of foul drainage arrangements. In particular, confirmation is required that the foul drainage arising from the development will not cause the premature operation of existing CSO's and that sufficient capacity exists within the network.

Response: - This matter will be covered by condition.

- 4.5 **Scottish Water** – No objections.

- 4.6 **Scottish Natural Heritage** –are satisfied that the Badger Survey and Investigation undertaken for this proposal have been carried out following recognised methods and provide a sound basis for determining the impacts of this proposal on the badgers. It is accepted that the loss of 4ha of foraging resources is considered tolerable in terms of the survival of this particular badger group so long as specific mitigation measures are implemented. These include a 30m no build zone around the sett and the provision of a travel corridor within the development linking into the wider territory. Additional planting using native shrubs will also be required, together with the implementation of precautionary measures during construction (which are in any case required by law).

Scottish Natural Heritage also request that the provision of a Woodland Management Plan addressing the long term maintenance of the ancient woodland at the rear of the site be made a condition of any consent granted.

Scottish Natural Heritage also wish to stress that the continued success of these mitigation measures will ultimately be dependant on the Council giving proper consideration to badger issues when assessing development proposals affecting other sites within this badger group's territory.

Response: These requirements will be the subject of conditions on any consent granted. The latter point regarding other sites in the area is noted.

- 4.7 **Greenspace** – advise that the wooded valley of the Earnock Burn is a particularly important urban greenspace feature and that, in order to ensure its protection, the following measures are adopted:-

- a 15 metre buffer zone from the edge of the woodland to the edge of the development (garden boundary)
- no gates in back fences that border woodland
- a woodland management plan

Response: The second and third of these points can be dealt with by condition. However, it is considered that the adoption of recommended BS working practices in the vicinity of the woodland will be sufficient to protect the woodland.

- 4.8 **South Lanarkshire Biodiversity Partnership** – advise that maintaining the integrity of the woodland is a key objective of the Biodiversity Action Plan and that a 15 metre buffer zone should be provided between the woodland edge and the proposed development in order to protect root systems and discourage disposal of refuse materials in the woodland. Boundary fencing without gates is also recommended

prior to development commencing, together with a woodland management plan, including a complete ecological and risk assessment of the woodland area.

Concern is expressed at the loss of foraging habitat for the badgers and it is pointed out that the introduction of a woodland buffer zone would go some way to addressing this concern.

Response: - See 4.7 above

5 Representation(s)

5.1 letter of objection has been received from a neighbouring resident. Grounds of objection can be summarised as follows:-

a) The new access road will cause unacceptable noise and light pollution.

Response: Whilst this application is in outline only, the access road is likely to run along the rear of the objectors property, separated by an area of landscaping. The level of disturbance would not be any greater than expected within an urban environment and will be minimised through the erection of an acoustic fence along the boundary.

b) Impact on badgers

Response: Mitigation measures have been proposed to protect the badgers which inhabit the site and these will be incorporated into any future detailed layout.

c) Proposed 4 storey flats would overlook objectors property.

Response: This application is in outline and the layout is indicative only. Such issues will be dealt with as part of any detailed application.

d) Proposal will only add to congestion on Wellhall Road.

Response: As mentioned in section 4.1 above, the need to manage traffic levels has already been recognised by the Council. In terms of the current application, a capital contribution of £30k is to be made towards short term measures to improve the capacity of Wellhall Road.

6 Assessment and Conclusions

6.1 This application entails the residential development of land which currently forms part of the Philips Lighting factory on Wellhall Road. The determining issues in assessing this application relate to compliance within local plan policy and government policy guidance, site access, traffic impact and impact on nature conservation interests.

6.2 In policy terms, the site is covered by local plan policy which resists the loss of industrial land to other uses. However, following a rationalisation of their processes, Philips have declared this land surplus to requirements and are about to embark on a programme of refurbishment of the remaining complex which will consolidate their long established business, currently employing 360 people.

- 6.3 In strategic terms, the site is not classified as a Strategic Industrial and Business Location in the Structure Plan. The location is therefore not specifically protected by Structure Plan policy.
- 6.4 Whilst there is currently a shortfall of marketable industrial land in the Hamilton area, the site at Philips is poorly situated in relation to the strategic road network and is in a predominately residential area where certain types of industrial use may be inappropriate. Scottish Planning Policy 2 on Economic Development states that where businesses fall out of use in locations no longer appropriate for industry these sites should be rezoned. In these circumstances, I consider the residential redevelopment of the site to be acceptable in land use terms.
- 6.5 The basis of local and national planning policy which requires the retention of industrial land is to ensure the provision of employment opportunities. In this regard, the land which forms the subject of this application is vastly underused and a significant proportion of the proceeds from its sale will be used to fund a comprehensive refurbishment and upgrading of the whole factory complex, thereby ensuring the viability of the site for the foreseeable future. Given the importance of Philips as a local employer, I regard this aspect as a significant consideration in the assessment of the proposal.
- 6.6 Turning to access and traffic matters, the site can be satisfactorily accessed from the existing roundabout junction on Wellhall Road which would be reconfigured to enable access to the industrial and residential areas to be segregated. The proposal will result in additional traffic using Wellhall Road which already suffers from congestion at peak times. In recognition of this, the Council have longer term plans to construct a link road at Peacock Cross. However, more immediate short term mitigation measures will be required to improve capacity on this road to cope with existing traffic levels which are increasing as other major development sites in this part of Hamilton are being developed. The applicant has agreed to a capital contribution of £30k towards such improvements.
- 6.7 Development of this site has also raised nature conservation issues, not least being the protection of badgers which inhabit and feed on the site. A series of mitigation measures have been proposed which would safeguard their habitat and enable the badgers to be successfully integrated with the proposed development.
- 6.8 It is also essential that ancient woodland at the rear of the site is protected. Appropriate conditions specifying controlled working practices within the vicinity of trees would ensure this protection.
- 6.9 I am therefore satisfied that the residential development of this site is in keeping with the spirit of national planning policy relating to economical development and housing provision and that satisfactory access arrangements can be achieved to serve both the proposed residential and the remaining industrial use. I am also satisfied that the two land uses can co-exist and that employment of standard noise mitigation measures will safeguard the amenity of future residents. Furthermore, the protection of the badgers which inhabit the site can be ensured through the implementation of mitigation measures. Whilst the proposal is contrary to local plan policy, I consider this decision to be justified on the following grounds;
- a) The land is poorly situated in relation to the strategic road network and is no longer considered to be appropriate for industrial use.

- b) Residential use of the site would be more compatible with surrounding residential land use.
- c) Proceeds from the residential development of the land will be used to upgrade the existing employment generating use on the site, thereby ensuring its viability for the foreseeable future.

6.10 As members will be aware, it is normal practice to request a capital contribution for local community facilities from residential developers. However, Philips have already entered into partnership with South Lanarkshire Council to develop two Community Lighting Schemes, one at Bothwell Bridge, the other at the Council Offices, and have made a substantial contribution towards the over all cost. This is to be taken in lieu of a community payment.

Iain Urquhart
Executive Director (Enterprise Resources)

27 May 2005

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Economic Development (Business Development & Projects)	05/04/2005
Scottish Water	29/03/2005
Greenspace	04/04/2005
Environmental Services	09/02/2005
S.E.P.A. (West Region) Roads	05/05/2005
- ▶ Representations

Representation from :	Bruce Stannage, 20 Barriedale Avenue Hamilton ML3 9DB, DATED 10/01/2005
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Contact for Further Information

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

Lynda Dickson, Planning Officer, Brandon Gate, Hamilton
 Tel: Ext. 3521 (01698 453521)
 E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That before the expiration of three years from the date of this outline permission and before any development starts, a written application and plans in respect of the following Reserved Matters shall be submitted to and approved by the Council as Planning Authority:
 - (a) a site layout plan showing the position of all buildings, roads, footpaths, parking areas (distinguishing where appropriate between private and public spaces), walls, fences, landscaping, open space and recreational provision;
 - (b) plans and elevations of each house and garage type showing their dimensions and type and colour of materials;
 - (c) a landscaping plan showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - (d) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
 - (e) detailed cross-sections of existing and finished ground levels and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
- 2 That the development hereby permitted shall be started either within five years of the date of this permission or within two years of the date on which the last of the reserved matters are approved, whichever is the later;
- 3 That within three years of the date of this permission, an application for approval of the reserved matters, specified in condition 1 above, shall be made to the Council as Planning Authority.
- 4 That the only vehicular access to the application site shall be from a new 5-arm circulatory carriageway on Wellhall Road as shown in the approved Transport Assessment and shall be constructed to the satisfaction of the Council as Planning Authority.
- 5 that prior to any work commencing on the site, details of the internal service road and parking layout shall be submitted to and approved by the Council as Planning Authority.
- 6 that the reserved matters application required under the terms of condition 1 above shall make provision for the relocation of the existing westbound bus layby at the site entrance as shown in the Transport Assessment together with the provision of bus shelters at both the new westbound bus stop and the existing eastbound bus stop situated on the corner of Millar Grove and Wellhall Road to the east of the site.
- 7 that the reserved matters application required under the terms of condition 1 above shall include a Safety Audit for the new junction.
- 8 that the reserved matters application required under the terms of condition 1 shall incorporate the mitigation measures recommended in the approved Noise Assessment prepared by Waterman Environmental dated October 2004.

- 9 A supplementary noise impact assessment shall be submitted along with the reserved matters application required under the terms of condition (1) above to take account of the proposed layout.
- 10 that demolition, site clearance and construction works shall not commence until a scheme protecting neighbouring noise-sensitive properties from noise and vibration associated with the works has been agreed with the Council as Planning Authority.
- 11 That before the development starts, a report from a professionally qualified source detailing the extent of the chromium, total petroleum hydrocarbons (TPH) and poly-aromatic hydrocarbons (PAH) contamination across the application site, shall be submitted to and approved by the Council as Planning Authority and the development shall not be commenced until such action as is recommended by this report, in order to remove, or render harmless, any such contaminants, has been implemented and completed to the full specification and entire satisfaction of the Council. The developer shall give the Council at least 7 working days notice in writing prior to the commencement of any decontamination works on the site.
- 12 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed to the specification and satisfaction of Scottish Water as Sewerage Authority and SEPA. This scheme shall be designed in such a way that the additional flow of foul drainage arising from this development will not cause or contribute to the premature operation of existing consented sewer overflows.
- 13 that the reserved matters application required under the terms of condition (1) above shall comply with the requirements of the Councils approved Residential Development Guide.
- 14 That before any work commences on site, a woodland management and maintenance scheme covering the area hatched green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) a complete ecological and risk assessment of the entire woodland area, (b) proposals for the continuing care, maintenance and protection of the trees, shrubs and hedges , (c) details of supplementary planting , including details of native species planting to reinforce and enhance the badger travel corridor and sett areas , and (d) details of the timing and phasing of all such works.
- 15 that notwithstanding the terms of condition 14 above, the reinforcement planting within the travel route and sett areas shall be implemented prior to any work commencing on site to the entire satisfaction of the Council as Planning Authority.
- 16 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.
- 17 that prior to work commencing on site, an interpretative report shall be carried out by a suitably qualified engineer to consider the current and future stability of the banks of the Earnock Burn in relation to the proposed development, the scope and methodology of which shall be approved in advance by the Council as Planning Authority. The report shall examine both soil and rock stability and shall be based

on ground investigation where appropriate. The report shall recommend remedial works where there is a perceived risk of erosion or subsidence which would affect the proposed development or restrict the flow of the Eanock Burn.

- 18 that all requisite remedial works identified in the report required under condition 17 above shall be implemented prior to any house construction commencing on the site.
- 19 that the reserved matters to be submitted under the terms of condition 1 above shall incorporate all mitigation measures identified in the submitted badger survey carried out by Grampian Badger Surveys dated November 2004 and the Badger Investigation dated April 2005, with the exception of the proposals for roadside signage. In particular:-
 - a) the requisite 10m travel route shall be put in place prior to any development commencing on site. Details of fencing or other demarcation of this corridor shall be submitted to and approved by the Council as Planning Authority prior to installation. During construction, no persons, materials, plant or machinery shall enter this area at any time;
 - b) the 30metre protection area around the sett shall be laid out prior to any development commencing site. Details of fencing or other demarcation of this area shall be submitted to and approved by the Council as Planning Authority prior to its intallation. No construction shall take place within this area nor should any site operatives be permitted to enter this area unless under the terms of an appropriate license. During construction, no persons, materials, plant or machinery shall entre this area at any time, and
 - c) prior to work commencing on site, details of protective measures relating to the covering of trenches, pits and pipe systems shall be submitted to and approved by the Council as Planning Authority.
- 20 that no consent is herby granted for any of the indicative detailed layout shown on the approved plans.
- 21 that the recommendations contained in the approved Phase 1 and Preliminary Protected Species Survey carried out by Northern Ecological Services in October 2004 shall be employed during the demolition and construction stages of the development to the satisfaction of the Council as Planning Authority.
- 22 That the reserved matters to be submitted under the terms of condition 1 above shall make provision for roadside reflectors within the new development.

REASONS

- 1 Consent is granted in outline only.
- 2 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 3 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 4 In the interest of road safety
- 5 In the interest of road safety
- 6 to promote the use of public transport

7 In the interest of public safety
8 to safeguard the amenity of existing and future residents
9 to safeguard the amenity of future residents
10 To safeguard the residential amenity of the area.
11 To ensure the site is free from contamination
12 To ensure the provision of a satisfactory sewerage system
13 to ensure a satisfactory standard of development
14 To ensure the protection and maintenance of the existing woodland within the
area
15 to safeguard protected species within the site
16 To ensure that adequate steps are taken to protect existing trees on the site
throughout the period of the proposed building operations.
17 To ensure the stability of the site.
18 To ensure the stability of the site.
19 to safeguard protected species within the site
20 Consent is granted in outline only.
21 to safeguard protected species within the site
22 to safeguard the protected species within the site.

For information only

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