

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 09 SEPTEMBER 2011

**10/0918/PPP: PROPOSED CHANGE OF USE FROM AGRICULTURAL TO CLASS
4 BUSINESS USE FORMING AN EXTENSION TO EXISTING BUSINESS PARK
WITH ASSOCIATED MEANS OF ACCESS LANDSCAPING AND ANCILLARY
WORKS**

AT LAND AT NORTHCRAIGS KILMARNOCK

BY HALLAM LAND MANAGEMENT LTD

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0918/PPP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission in principle is sought for the extension of the existing business park for a Class 4 Use (Business Class) under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Class 4 business use is defined as:

“Use

- (a) as an office, other than a use within class 2 (financial, professional and other services);*
- (b) for research and development of products or processes; or*
- (c) for any industrial process;*

being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

1.2 The site incorporates a Masterplan highlighting the means of access, road layout, infrastructure, areas of open space and structural landscaping etc, to form the basic fundamentals of the extension of the Business Park. There are no detailed plans or layouts due to the application being in principle. The business park is located to the north of the new spine road and a single access road will be provided to serve the proposed Class 4 business units within this area only. The Masterplan layout indicates a central road formed perpendicular to the main spine road, with units constructed on either side. The indicative plans show provision of 4 office units and 8 light industrial units.

1.3 The design statement document provides a comprehensive and co-ordinated development strategy for both the adjacent residential area and the extension to the Business Park, in order to avoid piecemeal development. This will be viewed as an overarching document that will tie all the portions of land together. Further detailed applications would be anticipated in time to develop sectors of the business park in accordance with this planned approach, allowing the site to progress in a flexible manner in response to market forces.

1.4 The design statement confirms that the specific style of the business units are unknown at this stage; however the office buildings are envisaged as being 2 storey in height with single storey light industrial units. The overall scale of the development is similar to those in the existing adjacent business park.

1.5 Similarly to the residential development the proposal incorporates significant areas of landscaping. A large green boundary buffer strip is shown between the new spine road and the application site allowing the business units to be set far enough away from the spine road to reduce the visual presence. Again similarly to the residential development significant buffer planting is proposed along the periphery of the site creating a softer interface with the immediate surroundings both the build and rural environment.

1.6 In terms of levels of proposed car parking within the application site, the office development element of the proposal totals an area of 8,050m² which equates to parking requirement of 160 parking spaces. The indicative 8 light industrial units, with total area of 12,000m², equate to a parking provision of 132 parking spaces.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 As detailed previously in this report the proposal is considered to be in compliance with the business and industry policies in the Development Plan. The material considerations are generally supportive of the proposal with the exception of those letters of representations; however as stated above, the key concerns raised within the letters of representation are considered to have been adequately addressed and therefore do not carry sufficient weight to justify refusal of the application.

CONTRARY DECISION NOTE

Should the Committee agree that this application for planning permission in principle be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will require to be referred to the Council as it would represent a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission in principle which is to be considered by the Northern Local Planning Committee under the scheme of delegation as the application represents a major development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises largely of an area of agricultural ground on land to the east of Northcraig Farm, positioned between the former Northcraigs reservoir to the north and the residential development of Southcraigs to the south. To the east the site is immediately adjacent to the existing Rowallan Business Park. To the west the site bounds with agricultural land currently the subject of an application for proposed residential development.

2.2 The application site measures 11.2 hectares consisting of undeveloped agricultural land.

2.3 **Proposed Development:** Planning permission in principle is sought for the extension of the existing business park for a Class 4 Use (Business Class) under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Class 4 business use is defined as:

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2.4 The site incorporates a Masterplan highlighting the means of access, road layout, infrastructure, areas of open space and structural landscaping etc, to form the basic fundamentals of the extension of the Business Park. There are no detailed plans or layouts due to the application being in principle. The business park is located to the north of the new spine road and a single access road will be provided to serve the proposed Class 4 business units within this area only. The Masterplan layout indicates a central road formed perpendicular to the main spine road, with units constructed on either side. The indicative plans show provision of 4 office units and 8 light industrial units.

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2.8 In terms of levels of proposed car parking within the application site, the office development element of the proposal totals an area of 8,050m² which equates to parking requirement of 160 parking spaces. The indicative 8 light industrial units, with total area of 12,000m², equate to a parking provision of 132 parking spaces.

3. CONSULTATIONS RESPONSES

3.1 East Ayrshire Council Environmental Health Service has no objections in principle to the proposed development but has the following comments to offer:

- (i) Noisy work on the site during construction should be restricted to 0700 and 1900 hours Monday to Friday, 0800 and 1300 hours on Saturdays, with no noisy work on Sundays.

- (ii) Noise from the works during construction should at no time cause the underlying background noise level LA90(1 hour) to rise by more than 3 dB(A), measured at the nearest noise sensitive locations.
- (iii) Suitable dust suppression measures should be introduced where appropriate during the construction phase.
- (iv) All waste arising from the works during construction should be disposed of to the satisfaction of the Waste Management Authority, and otherwise by burning.
- (v) All drainage should be completed to the satisfaction of SEPA and/or Scottish Water.
- (vi) The Contaminated Land Officer has not identified any specific area of concern but has suggested the inclusion of a general caveat on any conditions of approval to the effect that if any unsuspected contamination is encountered during the proposed works, the Council should be informed accordingly along with any required remedial measures formulated to address the risk of exposure to key receptors and subsequent confirmation of completion of works.

Where appropriate, conditions can be attached to any consent granted for the proposed development to meet the requirements of the Environmental Health Service.

3.2 East Ayrshire Council Environmental Health Service (Contamination Section) has no objection in principle to the application and states that the contaminated land data base has not identified any specific area of concern but, due to the sensitive nature of the development advises that soil sampling and soil gas monitoring be conducted to assess the potential for soil contamination and the presence of soil gas as part of the ground condition report which will be required in granting the building warrant.

The comments above do not relate to any direct threat of contamination and therefore the monitoring in terms of soil and soil gas can be carried out as part of the building warrant process rather than take the form of a suspensive planning condition in any planning consent granted.

3.3 East Ayrshire Council Roads and Transportation Service has no objections on the internal road layout but recommends the following:

- (i) It should be ensured that the SUDS scheme is capable of attenuating the 1 in 200 year event is produced. If discharge is to a watercourse, EAC Roads would require it to be limited to the rate of 4.5ltrs/sec/ha.
- (ii) The flood route to the SUDS system requires to be established and verified.
- (iii) Scottish Water technical approval will be required at the detailed planning stage for all drainage proposals including connection to the public drainage network.
- (iv) SEPA approval will be required at a detailed planning stage
- (v) The secondary access from Rowallan Business Park should be constructed prior to any internal development works.

The internal road network will be the subject of more detailed applications at a later date, and any issues raised by the Roads and Transportation Service are likely to be the subject of conditions should planning consent be granted. The new traffic distributor road and all other areas of the proposed development that are expected to fall within the likely adoption limits will require Road Construction Consent approvals prior to any work commencing on site.

Traffic Assessment

The traffic distributor road and all other areas of the development that are expected to fall within the likely adoption limits will require Roads Construction Consent approvals prior to any works commencing on site.

Additionally a Construction Traffic Management Plan for the development will require to be agreed with the Roads Network Management Section prior to the implementation of any on-site works.

The proposed development is considered acceptable on traffic and accessibility grounds subject to the agreement of conditions requiring the developer to provide the appropriate traffic infrastructure as detailed below:

- (vi) The provision of a traffic distributor road from the Rowallan Business Park roundabout running south west and providing the main means of access to both the proposed residential and mixed-use sites.
- (vii) The provision of dropped kerbs and tactile paving at all junctions on the distributor road.
- (viii) The provision of 3m joint footway/cycleway on both sides of the distributor road.
- (ix) The provision of bus infrastructure measures along the length of the distributor road with the installation of a suitable temporary bus turning head at the westernmost extent of the distributor road.
- (x) The developer must liaise with SPT and local bus operators to investigate the provision of local bus services within the development site
- (ix) The internal layout will be designed as suitable for 20mph zones with appropriate traffic calming facilities to ensure full compliance.

Detailed design of the above features will be required prior to the issue of any Road Construction Consent.

The above requirements of the Roads and Transportation Service can be secured by appropriate conditions attached to any planning consent granted for the proposed development.

3.4 East Ayrshire Council Roads and Transportation Service (Flooding Section) has no objections to the proposed development and confirm that the posted information includes a FRA which concludes that there are no identifiable sources of flooding to the site, it would only remain to ensure that a SUDS scheme capable of attenuating the 1:200 year event is produced if discharge is to a watercourse it

should be limited to the rate of 4.5ltrs/sec/ha. Finally the Flood route to the SUDS requires to be established, checked and proved possible.

There are no outstanding flooding issues to note and all those points noted should be covered by suspensive condition to any consent granted.

3.5 Scotland Gas Networks has not raised any objections to the proposed development but has provided information in relation to its apparatus in the locality.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SGN regarding the potential impact of the proposed development on its apparatus.

3.6 Scottish Power Energy Networks has not raised any objections to the proposed development but has provided information in relation to its apparatus in the locality of the site.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SPEN regarding the potential impact of the proposed development on its apparatus.

3.7 The Scottish Environment Protection Agency (SEPA) had originally objected to the application on the grounds of flooding, however have now withdrawn their objection and wish to make the following comments:

SEPA confirmed that further information was provided by the applicant to clarify the following points:

- Reassessment of design flows, flood levels and culvert capacities;
- Provision of catchment descriptors for each watercourse and how they were adjusted for each watercourse;
- Topographic information to verify overland flow routes;
- Longitudinal slope of watercourses and culverts;
- Slope of left and right side of trapezoidal channels;
- Additional information to clarify source, control mechanisms and flood risk associated with Northcraig Reservoir;
- Additional information to clarify flood risk associated with the covered reservoir.

(i) Additional information has been provided to verify that both reservoirs within the vicinity of the site have previously been decommissioned and fully drained. As such, based on the information provided, it is thought that these reservoirs are unlikely to directly impact upon the flood risk to the proposed development site.

(ii) According to planning drawing 1393-201-001 (dated 02/07/10), in the event of the culvert overtopping, the water will flow over Wallacetown Avenue prior to following the natural drainage path to the west of Burn 2. This flow would then rejoin

the existing burn at the Southcraig Drive culvert. As such, the Flood Risk Assessment (FRA) recommends that consideration should be given to returning Burn 2 to its natural drainage line (as shown in planning drawing 1393-201-001) at the design stage of the proposed development. We have no objection to this recommendation from a flood risk perspective provided the proposal has a neutral effect on flood risk at the site and elsewhere. However, it is likely that it would require a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) as an engineering activity so further guidance should be sought from the local regulatory team in this regard.

(iii) The FRA recommends in Section 4.2 of the report that for buildings close to the watercourses, a freeboard of 0.6m above the peak 200 year flood level should be maintained at all times. Furthermore, final ground levels for buildings should be at least 0.2m above the adjacent bank levels. It is recommended that the Flood Prevention Authority (FPA) comment on the acceptability of this freeboard allowance for flood control purposes. We would recommend that the finished ground levels should be designed to slope away from the buildings to ensure that surface water is shed away from the external walls and does not form ponds at the back of the buildings.

(iv) It is acknowledged that SUDS measures are proposed for the development. It is recommended that the FPA satisfy themselves that post development runoff and management are appropriate for flood control purposes. For information, SEPA recommends any proposed mitigation measure should contain the 1:200 year flood to ensure there is no increase in flood risk downstream of the development.

(v) SEPA supports the recommendation that the existing culverts should be kept in good condition by means of a robust maintenance plan to prevent the risk of blockage. Water resistant materials and forms of construction should be adopted as appropriate and as outlined in PAN69.

The comments noted above by SEPA can be covered by condition or by advisory notes and attached to any consent granted.

3.8 West of Scotland Archaeological Service (WOSAS) states that there are no recorded archaeological sites within the proposed development area, but because development is proposed for previously undeveloped land and is large in scale there is a potential for significant unrecorded sub surface archaeological deposits to be present on site.

WOSAS recommends the attachment of the following condition:

“No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within

the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.”

The above matter can be addressed by a suspensive condition in any consent granted.

3.9 Scottish Natural Heritage has no objections to the application and makes the following comments:

The Ecological Impact Assessment (August 2010) identifies the importance of the area proposed for development as being of local value for breeding birds and foraging habitat for bats. SNH is satisfied with the conclusions of the habitat report which finds no evidence of otter, badger or red squirrel within the development site or immediate environs and agrees that this is largely a reflection of the surrounding habitat which is predominantly intensively managed farmland with little wildlife value.

Bats

The report concludes that the site has limited value for bats. It does however identify a number of potential roosting opportunities both in the infrastructure associated with the farm and within an ash tree referred to in the protected species report (TN 8). Whilst the surveys conclude that these opportunities are not in current use by bats it is possible that they may become active in the future. They also represent opportunities which will be no longer available once the development of the site is complete. It is SNH's view that any tree felling site clearance and demolition of existing walls and built features associated with this development will result in the loss of valuable feeding area, of commuting opportunities, roosts and of potential hibernation sites. These losses should be addressed by means of the provision of alternatives as part of a mitigation plan for the site providing similar resources within the developed landscape.

Otter

The 2010 survey concludes that no evidence of otter was discovered within the survey area. Fenwick Water which runs less than 500m from the development site is known to support otter. Small burns running through the development site may represent important commuting routes between Fenwick Water and the reservoir. SNH therefore advises that safe working practices are adopted during the construction phase to minimise any impacts to otter which may pass through the site.

Badgers

The EclA report also concludes an absence of badger records from within the study area but describes the habitat immediately surrounding the survey area as providing ideal for foraging badgers.

Water vole

SNH agrees that the habitat within the development site is unsuitable for water vole. The reservoir may provide more suitable habitat but we are satisfied that the impacts

arising from this development are unlikely to significantly affect the local water vole populations.

Birds

The bird surveys highlight the local importance of the site for a number of red listed and LBAP bird species including common grasshopper warbler, common starling, northern lapwing, house sparrow, song thrush, and yellow hammer. It is SNH's view that this places an emphasis on the importance of maintaining / improving hedgerows along the site boundary following completion of the development as well as seeking to maximise the opportunities for creation and maintenance of hedgerows and other green corridors within the development site.

Red Squirrel

SNH is satisfied with the conclusions that the development site offers no habitat suitable for red squirrel.

Mitigation Measures:

In order to minimise the impacts of this development SNH advises that planning consent be approved subject to the following conditions:

(i) **Condition 1:** If more than 12 months elapses between the approval of planning consent and the commencement of works on the ground then protected species surveys will need to be repeated in the 12 month period immediately prior to works taking place. This is of particular importance with regard to buildings/infrastructure which may be scheduled for alteration/demolition as highlighted by the surveys as having potential to support bats and or trees which are scheduled to be felled such as the ash tree identified in TN8 of the protected species survey. If bats otters or badgers are discovered then EPS/Protected species licenses will be required from SNH in order for development to proceed legally.

Reason: In order that protected species data is sufficiently up to date. If development is not progressed for a number of years following the approval of planning consent the picture with regard to protected species may have changed. SNH require up to date information to ensure that the work can proceed without any offences under the Habitats Regulations 1994 (as amended) being committed.

(ii) **Condition 2:** Any vegetation clearance required as part of this development should be undertaken outside of the period 1st March to 31st July (inclusive) to avoid the bird breeding season and potential damage/destruction of active nests. If vegetation clearance is required inside of this period then works must be immediately preceded by a nesting birds survey. Only if no nesting birds are identified can clearance works proceed at this time. Any nesting birds identified by these pre works surveys should be protected by means of a buffer zone as determined by a suitably qualified ecologist and maintained until birds have finished breeding or have left the nest.

Reason: To prevent any offences under the Wildlife and Countryside Act 1981 (as amended) being committed.

(iii) **Condition 3:** Developers should be required by East Ayrshire Council to submit and subsequently implement proposals for the creation and enhancement of opportunities for biodiversity with specific regards to birds. This should include maintenance/reinstatement of development site boundary hedges and increasing their value with mature native trees and shrubs. Proposal should also seek to identify new opportunities for the creation of green corridors within the development site through the implementation of sympathetic intelligent planting and making the most of existing features where possible.

Reason: To provide alternative nesting roosting and foraging opportunities and safeguard the wildlife interest associated with the area.

(iv) **Condition 4:** Safe methods of working are developed and implemented throughout the construction period including construction method statements incorporating safe methods of working and seasonal considerations, tool box talks to inform contractors, timings of works etc

Reason: To ensure that all possible measures are taken to minimise impacts throughout the construction phase.

SNH is also keen to see that developments recognise and support the Central Scotland Green Network, a national priority in the National Planning Framework.

The above comments made by SNH can be attached as planning conditions to any consent granted.

3.10 Southcraigs and Dean Community Council has objected to the proposed development on the following grounds:

(i) The proposed new Northcraig spine road would have significant adverse effect on the existing road network, levels of traffic likely to increase by approximately 1000 cars from the residential area notwithstanding the heavy vehicles accessing the proposed industrial park.

The proposed new spine road which will provide access to both the business park and the associated residential development has been supported by the submission of a detailed Transport Assessment. The Transport Assessment and the application has been reviewed by the Councils Roads and Transportation Division who have raised no adverse issues other than potential conditions that should be attached to any consent granted.

(ii) The applicant makes reference to the Strathclyde Roads Development Guide 1996 in formulating the parking requirements.

The Roads and Transportation Service has not raised any issues relating to the proposed level of parking required as this would be

reviewed at a detailed application stage and would consider the proposed floor area and the end use. It should be noted that the Strathclyde Roads Development Guide 1996 is still the document that the Roads and Transportation Service uses in assessing development proposals.

(iii) On street parking generated from the housing residents and visitors combined with insufficient parking at the proposed business units will have a significant adverse effect on the road.

The Transport Assessment and the application have been reviewed by the Roads and Transportation Service which has raised no adverse issues in respect of road safety or parking provision as a result of the proposal.

(iii) Planning Process – Having reviewed the application on line the applicant does not appear to have submitted a Pre-Application Consultation Report as required by the Planning etc (Scotland) Act 2006. We do note within the submitted Design and Access statement that the applicant refers to a public consultation event but provides no details on issues that were raised.

A Public Consultation Event was held in advance of the submission of the planning application and advertised in the Kilmarnock Standard. This event was organised and held by the applicant and agent as a requirement of the Planning (Scotland) Act 2006. A subsequent Pre Application Consultation Report was submitted as part of the documents accompanying the application.

4. REPRESENTATIONS

4.1 In addition to the objection received from Southcraig and Dean Community Council 15 letters of representation have been received with 18 signatories in connection with this application raising points of objections, the details of which are summarised below:

4.2 The enclosed application site although not a green belt area is home to a variety of wildlife species including birdlife, badgers and bats.

The Ecological Impact Assessment submitted in support of the application concludes that the site has limited value for protected species. Scottish Natural Heritage has assessed the site and agrees that development of the site will not impact any areas of national or international importance, nor will it impact on irreplaceable or fragile habitats or species. On investigation, no signs of any protected species were found on the site. SNH advises that mitigation measures should be conditioned to any consent granted to ensure that an updated survey has been undertaken within 12 months of the development works commencing to ensure there are no protected species present. SNH has not objected to the proposed development.

4.3 While having no objection about the actual extension of the business park my concern is to the proposed use of the Northcraigs and Cottages Farm Road off Southcraigs Drive.

This Farm road will not be used as a formal means of vehicular access to the proposed business park. All vehicular access will be taken from the new spine road which is accessed from the existing business park roundabout. This can be ensured by means of condition to any consent granted.

4.4 Southcraigs Drive is also the pick up and drop off points for many school children.

A detailed Transport Assessment has been submitted as part of the application submission which assesses the potential transport implications, including safety of the proposed development. The assessment has not raised any safety issues as a result of the proposal which has been independently verified by the Roads and Transportation Service. All access to the business park will be taken by an extended new road formed from the existing roundabout at the Rowallan Business Park and not along Southcraigs Drive.

4.5 In addition to the health and safety concerns access to the proposed development would have environmental, pollution and noise impacts for the residents of Southcraigs as a result of increased vehicular traffic on Southcraigs Drive.

All access to the business park will be taken from the existing roundabout at the business park and not along Southcraigs Drive.

4.6 Access to the existing business park is via the roundabout on Glasgow Road (B7038) and surely access to the proposed residential and business park developments could be facilitated through minor amendments to the existing business park road layout. Such access would most likely provide a satisfactory resolution to the objections.

This is the proposed means of access with no vehicular access taken from Southcraigs Drive. This can be further ensured via the imposition of an appropriate condition to any consent granted.

4.7 The extension to the business park will be directly behind our house which will involve significant disruption to our day to day living.

The red line application site bounds with the existing residential units of Southcraigs however the immediate area is proposed as a significant landscaped buffer strip between the residential units and the proposed new spine road serving both the business park and the residential

development. Therefore there will be no business units located directly to the rear of the existing residential development of Southcraigs.

4.8 This planning application will have a detrimental effect on the value of our house if and when we want to sell.

This is not a material planning consideration in the determination of this application.

4.9 The damage and inconvenience caused by trucks, diggers and all other equipment associated with any future builders.

This concern would be considered by Roads and Transportation Service under any Construction Management Plan agreed for the site through the requisite Roads Construction Consent process. It should be noted that all access will be taken via the new spine road.

4.10 What lending institutions would be prepared to back Hallam Land Management due to present economic circumstances?

This is not a material planning consideration in the determination of this application.

4.11 Looking around Kilmarnock there are many empty units in existing business parks. I would suggest that only when these are occupied an application for a new business park should be considered.

The application site referred to is noted as a business development opportunity site within the adopted East Ayrshire Local Plan 2010 which provides for and encourages the further expansion of the existing Rowallan Business Park as and when required.

4.12 I have a feeling this will be good for the community; my only concern from myself with regards to our property would be the proposed cycle/pedestrian path that is to replace the current farm road behind Lauriston Way.

The details relating to the treatment of this area will be considered at the detailed planning application stage. Importance will be placed on sensitivity towards the amenity of those existing properties adjacent to the access route by means of a planning condition to any consent granted.

4.13 There has been insufficient notification of all affected by the development. While there is a dreadful limitation on statutory requirements for notification of planning I feel that since this is a large development it is without doubt going to have an effect on those living in Southcraig. As such they should be notified personally in writing rather than just a select few.

The application has been both neighbour notified to all those individual properties bounding the site and also been the subject to an

advertisement in the Kilmarnock Standard. This allows for members of the public to view the application and provide representations accordingly. In addition to the statutory notification there was a Public Consultation Event which was held in advance of the submission of the application and likewise advertised in the Kilmarnock Standard. This event was organised and held by the applicant and agent as a requirement of the Planning (Scotland) Act 2006. In this regard, the statutory obligations in respect of pre-application community engagement and neighbour notification procedures have been fully met.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Adopted East Ayrshire Local Plan (EALP) 2010 and the Ayrshire Joint Structure Plan 2007.

East Ayrshire Local Plan

5.2 Policy IND1 states the strategic industrial sites identified on the local plan map at Meiklewood / Mossie and Rowallan in Kilmarnock will be safeguarded for high amenity and high quality Class 4 industrial and business uses. The Council will be particularly supportive of the development of the sites for high profile business and industrial developments which reflect, compliment and capitalise on the strategically important location of the sites at the principal gateway to Kilmarnock from the north. The establishment of service sector and knowledge based industries at Meiklewood / Mossie will be considered particularly appropriate and development of the area as a single user site will also be supported by the Council. Alternative, non industrial or business development proposals for the Meiklewood / Mossie and Rowallan sites will not be considered to conform to the local plan.

The proposed Class 4 Use complies with the provisions of Policy IND1.

5.3 Policy IND3 states that proposals for business, industry and storage and distribution uses of a local nature falling within Classes 4, 5 and 6 of the Use Classes Order will be directed towards those Business and Industry Development Opportunity Sites specifically identified in the plan and safeguarded for such purposes on the local plan maps.

The application site is noted as Business and Industry Development Opportunity Site (152B) and is therefore considered to be wholly compliant with IND3.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of this application are the consultation responses, the letters of representation, the impact on the amenity of the area, the planning history, and the Supporting Statement.

Consultation Responses

6.2 No issues have been raised in the consultation process which warrant refusal of the application, and there are no outstanding issues that cannot be addressed through the imposition of appropriate conditions to any consent granted for the proposed development.

Letters of Representation

6.3 The issues raised by the objectors generally relate to the potential traffic implications and damage to the environment as a result of the proposal. The principle of business use on this site has already been established within the adopted East Ayrshire Local Plan 2010, which has been the subject of an extensive consultation process and, thereafter, independent examination by the Scottish Ministers. A recommendation not to approve the Class 4 business use on this site would be a significant departure from Council policy. In terms of the traffic implications it is considered that such concerns have been adequately addressed in Section 4 of this report.

Impact on the amenity of the area

6.4 The proposal will have minimal affect on the amenity of the surrounding area as it is proposing the expansion of an already established business park. The application does propose that the site has a high level of natural boundary screening with both the rural and urban interface. The details of such landscaping and areas of screening will be considered at a later stage along with the proposed building designs, heights, external materials etc and overall landscaping of open spaces and buffer strips.

Planning History

The application site has not been subject to any previous planning application. Planning Application Ref: 10/0917/PPP for the proposed change of use from agricultural to residential use incorporating means of access, open space landscaping and associated works is pending consideration on land directly adjacent to the west.

Supporting Statement by the Applicant

6.4 A detailed design statement has been submitted with the application which provides a background to the proposed Masterplan layout of the site. Consideration has been given to creating green boundary buffer strips between the application site and the existing residential area and around the periphery of the site where it bounds the reservoir and existing business park. Those proposed Class 4 uses are noted positioned towards the entrance to the application site with the light industrial units further in backing onto the existing business park.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 As detailed previously in this report the proposal is considered to be in compliance with the business and industry policies in the Development Plan. The material considerations are generally supportive of the proposal with the exception of those letters of representations; however as stated above, the key concerns raised within the letters of representation are considered to have been adequately addressed and therefore do not carry sufficient weight to justify refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that this application for planning permission in principle be refused contrary to the recommendation of the Head of Planning and Economic Development then the application will require to be referred to the Council as it would represent a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

22 August 2011

RG

FV/HM

LIST OF BACKGROUND PAPERS

1. Application forms and Masterplan.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. East Ayrshire Local Plan 2010.
6. Ayrshire Joint Structure Plan 2007.

Anyone wishing to inspect the above papers should contact Robin Ghosh , Senior Planning Officer on 01563 553505.

Implementation Officer: Hugh Melvin

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0918/PPP

Location	Land at Northcraigs, Kilmarnock
Nature of Proposal:	Proposed change of use of land from agricultural to class 4 business use forming an extension to existing business park with associated means of access landscaping and ancillary works.
Name and Address of Applicant:	Hallam land Suite 2/L Willow House Strathclyde Business Park Bellshill
Name and Address of Agent	Mackay Planning PO Box 12 145 Kilmarnock Road Glasgow

Officer's Ref: Robin Ghosh
(01563) 553505

The above application for PLANNING PERMISSION IN PRINCIPLE should be granted subject to the following conditions:

Direction under Section 59 (5) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc, (Scotland) Act 2006

Duration of Consent

The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before commencement of development. For the proposed phased development hereby approved, the first application for Approval of Matters Specified in Conditions shall have been made no later than 5 years from the date of this permission and all such subsequent applications for the totality of this proposed development shall have been made not later than 14 years from the date of this permission or, if later, within 6 months from when an earlier

approval for the same matters was refused or dismissed on appeal. Notwithstanding this, the proposed development shall be commenced within 2 years from the date of approval of the first application for such matters.

Justification – The Council has made this direction having had due regard to regard to the provisions of the development plan and other material considerations relevant to the proposed development, and to enable the Planning Authority to control the development in detail in compliance with Section 21 of the Planning etc. (Scotland) Act 2006, and Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended)

1. The development hereby permitted shall be carried out in general accordance with the following documents unless otherwise agreed in writing with the Planning Authority:
 - a. The Approved Masterplan drawing ref: PL11
 - b. The Approved Location Plan drawing ref: PL10
 - c. The Flood Risk Assessment (by Terrenus)
 - d. The Master Plan Design Statement
 - e. The Transport Assessment; (by Waterman Boreham)
 - f. The Ecological Assessment (by Heritage Env Limited)
 - g. The Sustainable Drainage System Assessment (by Terrenus)
 - h. The Stage 1 Report (by Terrenus)

REASON: To ensure compliance with the approved documents.

2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby specified:

- (a) The layout of the site including the proposed phasing of development.
- (b) The size, height, design and external appearance of the proposed units;
- (c) The means of drainage and sewage disposal including details of proposed sustainable urban drainage systems to be installed on site;
- (d) Details of the access arrangements;
- (e) The provision for open space and associated maintenance arrangements;
- (f) The provision for car parking which shall be provided in line with the Roads Development Guide 1996
- (g) The design and location any boundary walls/fences to be erected;
- (h) The details of the landscaping of the site,
- (i) Existing and finished site levels/floor levels.

REASON: The approval is in outline only and in order that the Planning Authority consider these aspects in detail.

3. If ground contamination is encountered during construction works work shall immediately cease and the Council immediately notified. No further development shall begin on site until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority. The investigation shall be conducted in line with BS 10175: 2001 code of practice for "The

investigation of potentially contaminated sites" and will contain details of proposals to deal with contamination (if present) to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works.

REASON: To ensure potential risks arising from previous site uses have been fully assessed.

4. Should contamination be present in terms of Condition 3 above, prior to any further site development, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plan.

REASON: To provide verification that remediation of the site has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

5. Notwithstanding the provisions of condition 2(d) and 2(f) the traffic infrastructure shall include:

- (i) The provision of dropped kerbs and tactile paving at all junctions on the distributor road.
- (ii) The provision of 3m joint footway/cycleway on both sides of the distributor road.
- (iii) The provision of bus infrastructure measures along the length of the distributor road with the installation of a suitable temporary bus turning head at the westernmost extent of the distributor road.
- (iv) The developer must liaise with SPT and local bus operators to investigate the provision of local bus services within the development site
- (v) The internal layout will be designed as suitable for 20mph zones with appropriate traffic calming facilities to ensure full compliance.

REASON: In the interests of public road safety and provision of adequate transport links.

6. No development shall commence on site until a drainage scheme, to include surface water disposal, has been agreed in writing by the Planning Authority in consultation with Scottish Water. The development thereafter shall be implemented in accordance with the agreed scheme.

REASON: In the interests of ensuring an adequate drainage scheme to protect public and environmental health.

7. Prior to the commencement of construction works on site the provision of the traffic distributor road from the Rowallan Business Park roundabout running west and providing the main means of access to both the proposed residential and mixed-use sites shall be implemented with all construction traffic using this route.

REASON: In the interests of road safety and directing construction traffic from existing residential area.

8. No construction traffic shall use the existing Farm Road currently serving Northcraigs Farm or take access from Southcraigs Drive.

REASON: In the interest of road and pedestrian safety and residential amenity.

9. A Construction Traffic Management Plan for development shall be submitted and agreed with the Council prior to commencement of any works on site and thereafter implemented as per approved.

REASON: In the interests of road safety and the operational planning of the site

10. Construction works shall be restricted to 7am-7pm Monday to Friday; 8am-1pm on a Saturday and not at all on a Sunday, unless otherwise agreed in writing with the Planning Authority.

REASON: In the interests of surrounding amenity.

11. All waste arising from construction works shall be disposed of in accordance with details to be agreed in writing with the Waste Management Authority and otherwise than by burning.

REASON: In the interests of surrounding amenity.

12. Details of the SUDS attenuation ponds designed to accommodate a 1:200 year flood event shall be submitted and approved by Planning Authority. Unless otherwise agreed in writing with the Planning Authority, development shall be carried out in general accordance with the approval details. If discharge is to a watercourse it requires to be limited to the rate of 4.5ltrs/sec/ha.

REASON: In the interests of adequate servicing of the site.

13. Prior to the commencement of any development works on site details of the flood route to the SUDS shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and the Council's Flooding Engineer.

REASON: In the interests of flood protection.

14. As part of any detailed planning submission those recommendations noted within the submitted Flood Risk Assessment by Terrus shall be incorporated into the proposed development.

REASON: In the interests of flood protection.

15. If more than 12 months elapses between the approval of the detailed planning consent and the commencement of works on the ground then protected species surveys shall be repeated in the 12 month period immediately prior to works taking

place. This is of particular importance with regard to buildings/infrastructure which may be scheduled for alteration/demolition as highlighted by the surveys as having potential to support bats and or trees which are scheduled to be felled such as the ash tree identified in TN8 of the protected species survey. If bats otters or badgers are discovered then EPS/Protected species licenses will be required from SNH in order for development to proceed legally.

REASON: In order that protected species data is sufficiently up to date. If development is not progressed for a number of years following the approval of planning consent the picture with regard to protected species may have changed. SNH require up to date information to ensure that the work can proceed without any offences under the Habitats Regulations 1994 (as amended) being committed.

16. Any vegetation clearance required as part of this development should be undertaken outside of the period 1st March to 31st July (inclusive) to avoid the bird breeding season and potential damage/destruction of active nests. If vegetation clearance is required inside of this period then works must be immediately preceded by a nesting birds survey. The details of the survey shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage (SNH). Only if no nesting birds are identified can clearance works proceed at this time. Any nesting birds identified by these pre works surveys should be protected by means of a buffer zone as determined by a suitably qualified ecologist and maintained until birds have finished breeding or have left the nest.

REASON: To prevent any offences under the Wildlife and Countryside Act 1981 (as amended) being committed.

Additional Advisory Notes

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS. 15. Scottish Water technical approval will be required for all drainage proposals including connection to the public drainage network.

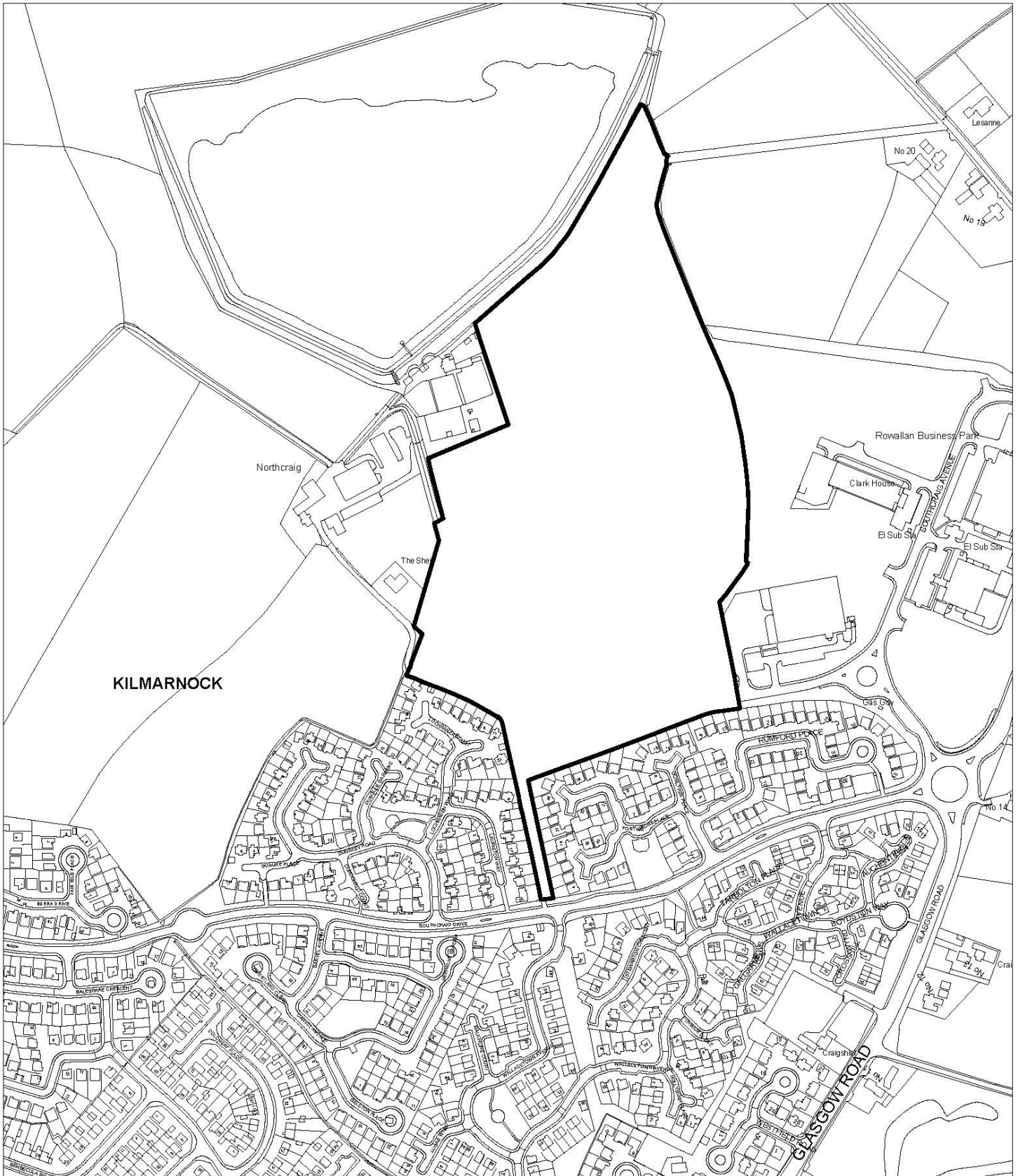
2. Any proposed discharges of surface water at this site must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005, as amended.


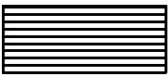
3. The applicant is advised to contact Scottish Power and Scottish Gas Networks in relation to their apparatus in the area.

4. The applicant is advised to make early contact with Scottish Water regarding the connection to the water and waste water network.

Reason for the Decision

The proposal is compliant with the Development Plan and after consideration of representations, consultations responses and other relevant factors it is considered that the material considerations do not, on balance, indicate that the application should be refused contrary to the Development Plan.



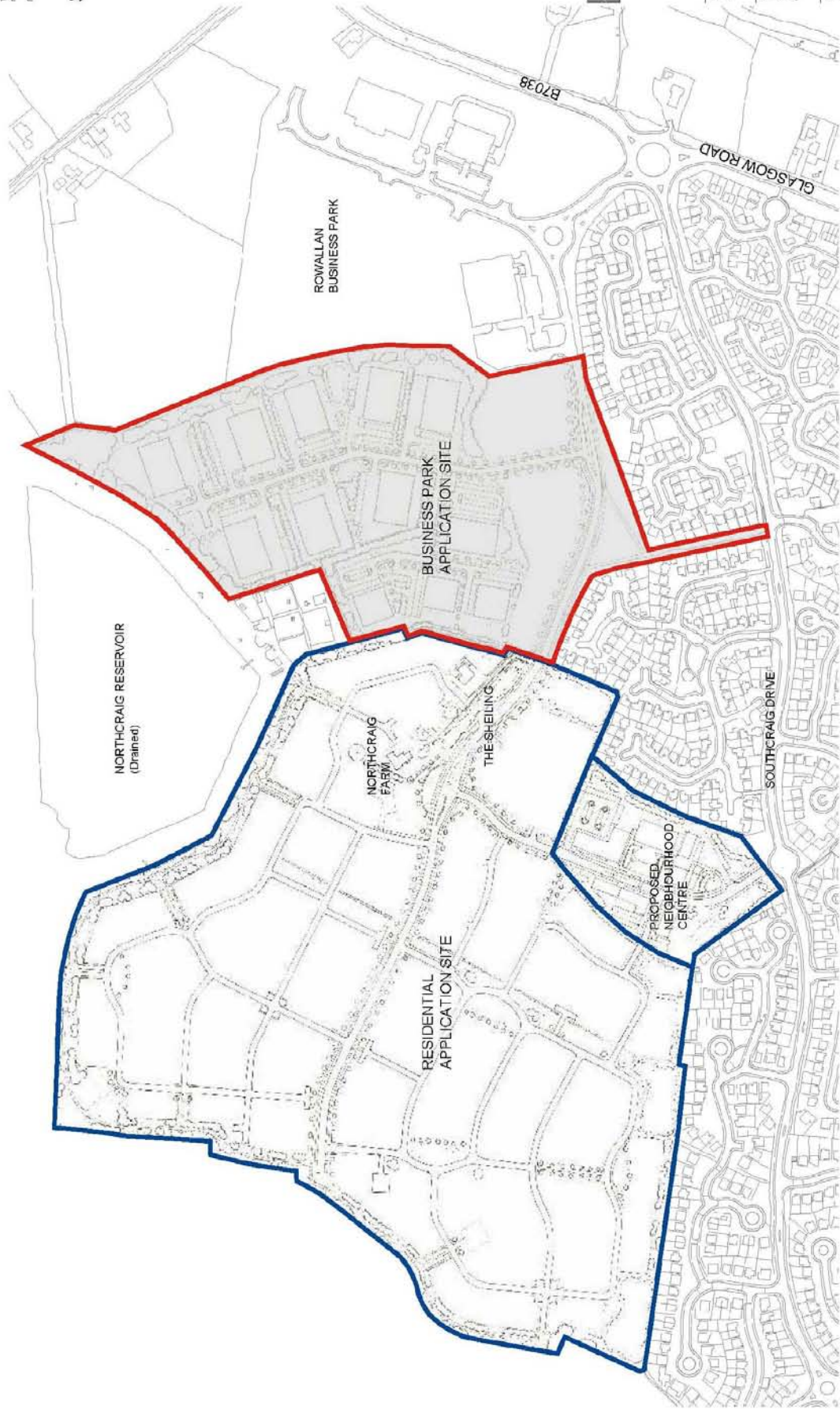
<p>Title/Location</p> <p>Land East of Northcraig Farm</p> <p>Glasgow Road, KILMARNOCK</p> <p>Application No. 10/0918/PPP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU</p> <p>Tel: (01563) 576790 Fax: (01563) 554592 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 9/9/2011</p> <div style="text-align: right;">  </div>
<p>Key</p> <div style="display: flex; align-items: center;">  <p>Application Site</p> </div>	

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DO NOT SCALE DRAWING.

STATUS - PLANNING



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CLIENT	HALLAMLAND
PROJECT	NORTH CRAIG KILMARNOCK MANSHIP ANNEX
DRAWING	BUSINESS PARK APPLICATION SITE SCHEMATIC MASTERPLAN LAYOUT
DATE	CCT 2010
SCALE	1:4000@A3
DRAWN BY	RN
CHECKED BY	KS
VISION	

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