

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 09 JANUARY 2007

**06/1030/OL: PROPOSED ERECTION OF INDUSTRIAL
UNIT FOR FOOD PROCESSING,
PLOT 7, MOORFIELD NORTH INDUSTRIAL ESTATE, KILMARNOCK
BY BRAEHEAD FOODS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought for the erection of a food processing plant. The details in respect of the design and landscaping, etc of the unit will be submitted at any reserved matters or detailed stage, should this application be approved. The proposed industrial unit will be purpose built for Braehead Foods as part of their business expansion programme. A Business Expansion Study submitted by the applicants confirms that, to assist with the financing with the factory unit proposed and to accommodate their significant and growing business, the applicant's Managing Director would commit any capital realised from the sale of the aforementioned residential development site, (06/1024/OL), in its entirety towards the development of such factory unit and the development of the applicant's business. The applicant's Managing Director and the applicants have agreed that to secure such a release of capital and business investment, they would be prepared to be parties to a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet, but that the decision notice not be issued until the Solicitor to the Council has concluded an agreement with the applicant under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the points identified within Section 7 of the report.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is in accordance with the Adopted East Ayrshire Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application. These considerations are also supportive of the application.

Alan Neish
Head of Planning, Development and Building Standards

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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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an Outline planning application which is to be considered by the Development Services Committee under the scheme of delegation as it is economically linked to Planning Application 06/1024/OL for residential development at a site at Thorntoun Estate, Crosshouse lying outwith the settlement boundary in the Rural Protection Area; which application will be considered separately by this Committee under Planning Reference Number 06/1024/OL.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a grassed area adjacent to the B7064 and the A71, Kilmarnock. The area is known as Moorfield North and is identified in the Adopted East Ayrshire Local Plan as a site where the Council will support and encourage new industrial development, (site ref 158B). The site extends to 0.675 Ha and is surrounded on each boundary by vacant land.

2.2 **Proposed Development:** Outline planning consent is sought for the erection of a food processing plant. The details in respect of the design and landscaping, etc of the unit will be submitted at any reserved matters or detailed stage, should this application be approved. The proposed industrial unit will be purpose built for Braehead Foods as part of their business expansion programme. A Business Expansion Study submitted by the applicants confirms that, to assist with the financing with the factory unit proposed and to accommodate their significant and growing business, the applicant's Managing Director would commit any capital realised from the sale of the aforementioned residential development site, (06/1024/OL), in its entirety towards the development of such factory unit and the development of the applicant's business. The applicant's Managing Director and the applicants have agreed that to secure such a release of capital and business investment, they would be prepared to be parties to a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads & Transportation Division has no objections to the application subject to conditions in relation to access, parking and provision for service vehicles.

The requirements of the Council's Roads Division can be met by attaching conditions and notes to any grant of outline planning consent.

3.2 Scottish Environment Protection Agency has no objection on the understanding that the foul drainage is connected to the public sewer. Surface Water from the site should be treated in accordance with principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland.

Noted. A condition and notes can be attached to any grant of planning consent regarding the use of a Sustainable Urban Drainage System.

3.3 Power Systems have no adverse comments to make.

Noted

3.4 Transco, and Crosshouse Community Council have no adverse comments to make regarding the proposed development.

Noted.

3.5 Scottish Water have raised no objections subject to the imposition of conditions on any planning consent pertaining to: connections to the wastewater system and water network, the requirements for a totally separate drainage system with the surface water discharging to a suitable outlet with the possible requirement that the surface water is treated by a SUDS system.

Noted. A note can be attached to any grant of planning consent addressing all the matters outlined above with the exception of the treatment of surface water which can be addressed by means of a condition.

3.6 Scottish Power has no adverse comments to make on this application.

Noted.

3.7 East Ayrshire Council Environmental Health Division has no adverse comments to make regarding the proposed development.

Noted.

3.8 East Ayrshire Council's Economic Development and Property Division strongly support the approval of this planning application as they provide ongoing business support to the applicant Company and support the company in its aspirations to

expand and re-locate to Moorfield North Industrial Estate. They confirm that the company is already a significant employer locally with impressive turnover projections. The turnover projections point to significant increases in employee numbers as the turnover is projected to grow by a factor of three over the period of the next three years.

Noted.

3.9 Scottish Gas Networks have no adverse comments to make however point out the presence of a high pressure pipeline in the vicinity of the site

Noted. Further consultation will take place at the detailed application stage, however, the absence of an objection in principle to the development is noted.

4. REPRESENTATIONS AND ISSUES RAISED

4.1 There are no third party representations raised or letters of objection received in relation to this application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 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. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan.

5.2 The proposal is consistent with the Structure Plan in that it concerns industrial development on a Strategic Industrial site.

5.3 Policies IND4 and IND5 of the Adopted East Ayrshire Local Plan are relevant. The erection of an industrial unit for food processing at the Moorfield North Industrial Estate accords with both policies IND 4 and IND5 of the East Ayrshire Local Plan as it is supporting the development of this Strategic Industrial Site.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principle material considerations relevant to the determination of this application are the consultations received which are detailed in Section 3 of the report and the impact on the amenity of the area.

Consultations Received

6.2 There are no adverse comments from any of the consultees in relation to this application. This is consistent with the site being identified as a strategic industrial

site, (158B). There are no physical constraints which inhibit the development of the site for this land use.

6.3 A submitted Business Expansion Study commissioned by the Council's Economic Development and Property Division as part of their wider business support package to the company, confirms that capital gained from the sale of the proposed housing site would be invested by the Applicant's Managing Director in the form of a Director's Loan directly into the business and would help address the funding gap that would otherwise exist in terms of advancing the factory project.

Impact on the Amenity of the Area

6.4 The impact of the development would be further assessed within the context of any detailed / reserved matters application submitted. However it is considered that it would be quite feasible to submit details for the unit that would be compliant with policy and of minimal adverse impact given the wider site's zoning.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 There would be legal implications for the Council in the determination of this application in respect of the requirement to enter into a Legal Agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 under the following heads:-

1. The applicants' Managing Director shall ensure to the satisfaction of the Council that all capital realised from the sale of the housing site at Thorntoun for residential use is invested in the applicant's company and is thereafter utilised towards the purchase of the site at Moorfield North Industrial Estate and the construction thereon of a Food Processing Unit.
2. The applicants shall ensure that any funding gap remaining after the disposal of the site for residential use which requires to be made to secure the purchase of the site at Moorfield North Industrial Estate and the construction thereon of a Food Processing Unit is addressed to the satisfaction of the Council.
3. The applicants shall evidence to the satisfaction of the Council that they have purchased the site at Moorfield North Industrial Estate for their proposed industrial use and have let a contract for the construction thereon of a Food Processing Unit.
4. The applicants shall undertake that they shall not without the consent of the Council, which consent shall not be unreasonably withheld, use the site for any other purpose or sell, vacate or otherwise alienate themselves

from the said Food Processing Unit for a period of 5 years from the date of completion of construction of the said unit.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report the application is in accordance with the Adopted East Ayrshire Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application. These considerations are also supportive of the application.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions indicated on the attached sheet, but that the decision notice not be issued until the Solicitor to the Council has concluded an agreement with the applicant under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the points identified within Section 7 of the report.

Alan Neish
Head of Planning, Development & Building Standards

03 January 2007
(WH/MMM)
FV-AN

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Willie Harris on 01563 576787.

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/1030/OL

Location: Plot 7
Moorfield North Industrial Estate
KILMARNOCK

Nature of Proposal: Proposed Erection of Food Processing Plant

Name & Address of Applicant: Braehead Foods
Bonnyton Industrial Estate
Munro Place
KILMARNOCK
KA1 2NP

Name & Address of Agent: Arctec Designs Troon Ltd
23 Dallas Place
TROON
KA10 6JE

DPO's Ref: WH/MMM

The above OUTLINE application should be granted subject to the following conditions:

- (1) Before any development commences on site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.
- (a) The layout of the site.
 - (b) The size height and design of the proposed building;
 - (c) Details of the access arrangements;
 - (d) The provision for open space and associated maintenance arrangements;
 - (e) The provision for car parking;
 - (f) The boundary treatments;
 - (g) The landscaping of the site and associated maintenance arrangements;
 - (h) Existing and Finished site levels / floor levels.

REASON The approval is in outline only.

- (2) Notwithstanding the plans hereby approved the foul drainage shall be connected to the public sewer and the applicant should consult with Scottish Water prior to the submission of a reserved matters application, in this regard.

REASON In the interest of public health and to prevent any pollution of watercourses.

(3) Notwithstanding the plans hereby approved access into the development site shall be taken from the adjacent industrial road.

REASON In the interest of road safety.

(4) Notwithstanding the plans hereby approved prior to the commencement of development on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any of the residential units.

REASON To ensure that adequate drainage is provided.

Notes:

1. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
2. SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**