

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 18 JANUARY 2002

**01/0537/FL: FORMATION OF SKIP HIRE FACILITY AND IMPORTATION OF
MATERIAL TO INFILL LAND
AT REAR OF 8 SIMONSBURN ROAD, KILMARNOCK
BY MR A CORRIE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought to form a skip hire facility. The proposal also includes the infilling of low-lying land to the rear of 8 Simonsburn Road with inert waste material obtained through the skip hire facility. Part of this application is retrospective because the skip hire facility is currently operating from this location and part of the infilling process has commenced.

It is proposed to infill the low lying land with non contaminated inert waste material such as rubble, soil, hardcore material mainly from demolished sites. This material would then be compacted in 300mm layers and sealed with a 200mm of compacted hardcore and finished with an asphalt surface over the entire site. The amount of infill over the site will vary from a nominal level to a depth of approximately 2.5m. The south, east and western boundaries are proposed to be enclosed with a 2 metre high clay bund. Approximately 150 skips may be stored on site at any one time in a stacking process, with each stack being no more than 2.4m high.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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 at Section 6 of the report, there are material considerations relevant to this application. The formation of a skip hire business is largely in accordance with the industrial policies of the EALP. Although the infilling of land with

waste materials is essentially contrary to Policy CS7 of EALP, it is considered in this instance that an exception to policy can be justified as the infilling of the land will allow the extension of the skip hire business which would be compatible with the surrounding industrial uses. The infilling of the land is acceptable in visual terms and will not be out of keeping with the surrounding level of the land.

CONTRARY DECISION

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as such a decision would be compliant with council policy.

Alan Neish
Head of Planning and Building Control

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 and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation as the Head of Planning and Building Control, in consultation with the Chair, has agreed that the application should be determined by the Local Planning Committee.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located in the southern part of Kilmarnock. The site is 550 square metres in area and is located to the rear of 8 Simonsburn Road within the Loreny Industrial Estate. The site is accessed from Simonsburn Road via a private access road adjacent to D'Andrea Coachworks. The site is bounded to the south east by Simonsburn watercourse to the south and west by agricultural land and to the north east by land owned by D'Andrea Coachworks.

2.2 **Proposed Development:** Full planning consent is sought to form a skip hire facility. The proposal also includes the infilling of low-lying land to the rear of 8 Simonsburn Road with inert waste material obtained through the skip hire facility. Part of this application is retrospective because the skip hire facility is currently operating from this location and part of the infilling process has commenced.

It is proposed to infill the low lying land with non contaminated inert waste material such as rubble, soil, hardcore material mainly from demolished sites. This material would then be compacted in 300mm layers and sealed with a 200mm of compacted hardcore and finished with an asphalt surface over the entire site. The amount of infill over the site will vary from a nominal level to a depth of approximately 2.5m. The south, east and western boundaries are proposed to be enclosed with a 2 metre high clay bund. Approximately 150 skips may be stored on site at any one time in a stacking process, with each stack being no more than 2.4m high.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have no objections to the proposed development from the aspect of road safety. For their interests with respect to flooding issues they have stated that the playing fields downstream and on the opposite side of the Simons Burn are currently at a lower level than the existing ground level of the proposed site and any loss of potential flood storage should have a minimal effect on the current situation downstream.

Noted.

3.2 Shortlees Community Council. There is currently no Community Council for this area.

Noted.

3.3 Scottish Environment Protection Agency have no objection to the proposal on the understanding that all foul drainage arising from the site is connected to the public foul sewer. They also advise that the applicant should contact them to discuss whether an exemption from Waste Management Regulation is applicable for this scheme. They further comment that localised flooding could be exacerbated by the proposed infill of the basin area at this site as there is the potential to remove flood plain storage from the Simons Burn catchment. They recommend further investigations are carried out to determine the impacts of such a development on local flood risk. SEPA are of the opinion that this type of development would appear to be contrary to guidance given in NPPG7, (Planning and Flooding).

The comments of SEPA in relation to the loss of flood plain storage were passed to the Council's Roads Division who have responsibility for flooding issues and who have built up local knowledge on flooding matters. The Roads Division indicates that the loss of any potential flood storage should have a minimal effect downstream therefore this matter is not considered to be significant enough to warrant a recommendation of refusal of the planning application. Notes can be added to any consent addressing the applicant to the foul drainage connection and Waste Management Regulation issues.

3.4 Strathclyde Police have recommended that in addition to the existing security camera provisions protecting the site, the compound should be enclosed in a 2.3 metre high, good quality palisade fence.

A condition could be attached to the grant of any planning consent requiring the erection of an appropriate boundary treatment. The applicant is willing to provide a fence to enclose the compound.

3.5 West of Scotland Water, The Coal Authority and Scottish Power have no objections to the proposed development.

Noted.

3.6 Environmental Health have no objection to the proposal provided that all infill is completely inert, no activities take place on this made up ground which might cause any risk of pollution to the burn immediately to the rear of the site, long term parking of vehicles on the site should be discouraged, no refuelling of vehicles should take place on site and no burning activities should take place on site.

The requirements of Environmental Health can be addressed by attaching conditions to any grant of planning consent.

4. REPRESENTATIONS

4.1 No representations have been received relating 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 Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policies 4.2.5 and 5.10.12. A small part of the site is contained within the settlement boundary and is covered by Policy 4.2.5. As this is an existing industrial area and the proposal is for a use compatible with industry, this part of the proposal complies with policy. The area of land to be filled and used as a skip hire compound is outwith the settlement boundary and Policy 5.10.12 is applicable. This Policy states that commercial or industrial development shall not be allowed in the countryside outside the urban envelope of existing settlement unless it is related to local agricultural uses, rural in nature, related specifically to an existing adjoining industrial use or infilling of disused quarries or vacant/degraded land with waste material where the impact on the countryside is not severe.

The proposal is considered to comply with Policy 5.10.12 of the Kilmarnock Adopted Local Plan as the infilling of the land will allow the extension of the skip hire business into this area. The land which is to

be infilled is vacant and degraded land and it will not have a detrimental impact on the immediate area.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), NPPG 7 and consultation responses.

East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered a prime material consideration. The proposal is located within the settlement boundary of Kilmarnock in the EALP. The infill area to be used as a skip compound is part of an identified industrial development area under Policy IND 4 of EALP. The northern area of the site, which is the retrospective part of the application, is located in a safeguarded industrial area and falls within Policy IND 5 of the EALP. Both policies encourages business, industrial and storage and distribution uses falling within Classes 4, 5 & 6 of the Use Classes Order.

The proposed development is essentially in accordance with the spirit of the industrial policies of EALP although a skip hire business is a “Sui Generis” use (falling outwith a use class)

6.3 Policy CS7 refers to the infilling of disused railway cuttings, natural hollows and low lying areas of farmland, glens, etc for the deposition of any waste materials.

Although the proposal is essential contrary to the above policy, the proposed infilling of land will allow the formation of a skip hire business. It is considered that the infilling of land will not have a detrimental impact on the surrounding area.

National Planning Policy Guideline 7 Planning and Flooding

6.4 National Planning Policy Guideline 7 “Planning and Flooding” states that planning applications should be considered in relation to their impact on flooding issues for the area.

As stated above the application has been assessed by the Council’s Roads Division and the proposal will have a minimal effect on the current situation downstream and attracts no objections from that Division.

Consultation Replies

6.5 The consultation responses have been detailed in Section 3 of this report and have not raised any issues which would indicate that the application should be refused.

Planning History

6.6 KL/E/FL/86/251F Formation of waste transfer station/recycling centre and separate office/staff facilities building and associated access road, vehicle hardstanding area and fuel tank was approved on 26 July 1995.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. As part of this proposal is retrospective, there may be legal implications for the Council in the event of the application being refused and if enforcement action was pursued.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 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 at Section 6 of the report, there are material considerations relevant to this application. The formation of a skip hire business is largely in accordance with the industrial policies of the EALP. Although the infilling of land with waste materials is essentially contrary to Policy CS7 of EALP, it is considered in this instance that an exception to policy can be justified as the infilling of the land will allow the extension of the skip hire business which would be compatible with the surrounding industrial uses. The infilling of the land is acceptable in visual terms and will not be out of keeping with the surrounding level of the land.

9. RECOMMENDATION

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

CONTRARY DECISION

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as such a decision would be compliant with council policy.

Alan Neish
Head of Planning and Building Control

9 January 2002
(CI/MLS/MMM/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form/Plans.
2. Statutory Notice/Certificates.
3. Consultation Relies.
4. East Ayrshire Council Local Plan Finalised Version with Modifications.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Kilmarnock Local Plan.
7. Approved Strathclyde Structure Plan.
8. NPPG 7 Planning and Flooding.

Anyone wishing to inspect the above papers please contact Craig Iles on (01563) 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0537/FL

Site of Proposal: Corrie Skip Hire
Simonsburn Road
KILMARNOCK

Nature of Proposal: Proposed Formation of Skip Hire Facility and
Importation of Material to Fill Land

Name & Address of Applicant: Mr A Corrie
Corrie Skip Hire
Simonsburn Road
KILMARNOCK KA1 5LA

Name & Address of Agent: Mr S McQuiston
50 MacPhail Drive
KILMARNOCK KA3 7EX

DPOs Reference: CSI/MMM

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

1. Notwithstanding the approved plans, a plan detailing the location of materials to be stored on the site shall be submitted to for approval by the Planning Authority prior to the storage of materials on site. Storage of materials on site shall be carried out in accordance with the details as approved.

REASON In the interests of visual amenity.

2. Notwithstanding the approved plans written details of staff and customer parking and of the timing of their provision shall be provided for the approval of the Planning Authority prior to the use of the skip hire facility. These parking details shall thereafter be implemented as approved.

REASON In the interests of road safety.

3. Notwithstanding the approved plans, a plan detailing the storage/layout of skips on the site shall be submitted to the Planning Authority for approval, prior to the use of the facility. Storage of skips on site shall be carried out in accordance with the details as approved.

REASON In the interests of visual amenity.

4. Notwithstanding the approved plans, details of the location and treatment of the clay bund shall be submitted to, for approval by, the Planning Authority within one month of the date of this consent. The bund shall be implemented as approved prior to the use of the land to which it relates.

REASON To enable the Planning Authority to control the development such that it can proceed without being at risk of flooding, and in the interests of visual amenity.

5. Notwithstanding the approved plans all infill material shall be of an inert nature.

REASON In the interests of public amenity.

6. The stacking of materials on the site at no time shall exceed 2.4 metres in height above ground level and no more than 150 skips shall be stored on site at any one time.

REASON To safeguard the visual amenity of the area.

7. No burning of materials shall take place on site at any time.

REASON In the interests of public amenity.

8. No refuelling of vehicles shall take place on site at any time.

REASON To prevent any risk of ground contamination.

9. Notwithstanding the submitted plans, details of the design and construction of all fences to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site and shall be implemented prior to the use of the land to which it relates.

REASON In the interests of visual amenity or site security.

Note to Applicants

(a) The applicant should make early contact with Scottish Environment Protection Agency to discuss/ensure that all foul drainage is connected to the public sewer and to

consider whether an exemption from Waste Management Regulation is applicable for this scheme.

**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.**

AGENDA