

## **EAST AYRSHIRE COUNCIL**

**SPECIAL CENTRAL LOCAL PLANNING COMMITTEE: 1<sup>ST</sup> AUGUST 2003**

**03/0434/OL: INDUSTRIAL AND BUSINESS DEVELOPMENT AT LAND TO  
THE WEST OF CROSSHOUSE ROAD, MOORFIELD, KILMARNOCK BY  
LAND IMPROVEMENT HOLDINGS PLC**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for industrial and business uses. Details regarding number, size and design of the units and the internal road layout will be submitted at the detailed stage. The proposed industrial and business uses will be accessed by a new roundabout to be erected at the existing access to the Brewers Fayre and Travel Lodge which is the subject of a separate full planning application to be considered by this Committee.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Section 5 of the Overview report.**

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the application is in accordance with the development 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 There are material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. This major strategic general industrial site will complement land for business development elsewhere in Kilmarnock such as Rowallan Business Park, will create additional jobs and will assist in making Kilmarnock a more competitive business and industrial location. It will also bring environmental improvements to the immediate area by removing a concrete hardstanding and colliery area. It will enable implementation of the Action Plan providing a development strategy for the wider Moorfield area and the adoption of an integrated approach to residential and industrial development.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application would require to be referred to the Development Services Committee as there would be a significant breach of 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.**

## EAST AYRSHIRE COUNCIL

SPECIAL CENTRAL LOCAL PLANNING COMMITTEE: 1<sup>ST</sup> AUGUST 2003

**03/0434/OL: INDUSTRIAL AND BUSINESS DEVELOPMENT AT LAND TO THE WEST OF CROSSHOUSE ROAD, MOORFIELD, KILMARNOCK BY LAND IMPROVEMENT HOLDINGS PLC**

### **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 outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it concerns a large scale development which accords with the Adopted East Ayrshire Local Plan and is of area significance.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is 29.3 hectares (71.8 acres) in area located on the south western outskirts of Kilmarnock. The site is largely agricultural land however the area closest to B7064 includes a concrete hardstanding and colliery waste/bing area. The site is bounded to the south by the A71 and Moorfield Roundabout, to the north by the B7081 Kilmarnock to Crosshouse Road, to the east by the B7064, and to the west by agricultural land.

2.2 **Proposed Development:** Outline planning permission is sought for industrial and business uses. Details regarding number, size and design of the units and the internal road layout will be submitted at the detailed stage. The proposed industrial and business uses will be accessed by a new roundabout to be erected at the existing access to the Brewers Fayre and Travel Lodge which is the subject of a separate full planning application to be considered by this Committee.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division have no objections subject to a number of conditions. A number of watercourses run through the development site which should be accommodated within the design of the industrial estate. It is inadvisable to culvert the watercourse throughout as this presents maintenance difficulties. Where culverts are unavoidable they should be located where the access is readily available and be of a size that more than meets the present capacity requirements. The

treatment of surface water run off from the site will require a SUDS system to be incorporated into the existing watercourse system. All other roads issues are reserved until full details of the site layout are provided.

***The comments of the Roads Division have been passed to the applicant. Their requirements can be addressed by attaching conditions to any grant of outline consent.***

3.2 Scottish Water have objected whereby the proposed development drains to the public sewerage system. They would remove its objection if the applicant bears the cost of the increase in capacity of the existing infrastructure to accommodate the development and/or promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system satisfactory to Scottish Water.

***The applicant has been in discussion with Scottish Water regarding improvements to the existing infrastructure that will accommodate both the industrial development and residential development. The applicant has proposed a couple of solutions and their engineers are presently designing them. A condition can be attached to any grant of planning consent that no work shall commence on site until written confirmation is received from Scottish Water that the sewerage system is capable of accommodating the connection of this approved development.***

3.3 Transco have high pressure pipelines (potentially operating at pressures of up to 85 bar) in the immediate vicinity. No works shall be undertaken in the proximity of these pipelines without their prior formal consent. The Crosshouse to River Irvine pipeline has a diameter of 273mm and a building proximity distance of 16 metres.

***The requirements of Transco regarding building proximity distance from the Crosshouse to River Irvine pipeline can be addressed by attaching a condition to any grant of planning consent advising the applicant of this requirement.***

3.4 East Ayrshire Council Environmental Health and Waste Management have stated that soil contamination has been identified from the previous industrial usage i.e. coal mining. Sampling of the colliery spoil heap by Environmental Health has highlighted the presence of contaminants in the spoil (in particular lead). One sample taken to assess the level of contaminants in surface water run-off from the spoil heap to the watercourse showed no obvious health hazard. They have recommended that in order to assess the risk to controlled water further investigation is required. Furthermore a full site investigation ( in accordance with BA 10175: 2001) should be undertaken to identify the type and concentration of contaminants present in the soil. Data from the investigation should be used to form a conceptual site model which describes the current conditions on the site and highlights any potential sources – pathways - receptors which may be introduced or exposed by the proposed change of use. Based on this

conceptual site model, suitable remedial measures should be developed to ensure that the site is made suitable for its proposed use and will not result in the land being designated as statutory contaminated land under Part 11A of the Environmental Protection Act 1990.

***The applicant is aware of the contamination issues associated with this site. The requirements of Environmental Health can be addressed by attaching a condition regarding a full site investigation to be undertaken to allow a conceptual site model to be formed and any remedial works as a result of the findings and sample analysis shall be undertaken prior to the commencement of development on site.***

3.5 Scottish Power, Crosshouse Community Council have no adverse comments to make regarding the proposed development.

***Noted.***

3.6 East Ayrshire Council Economic Development Division support this proposal as there is a very clear lack of available and good quality industrial accommodation for new businesses located in the area and for the expansion of indigenous businesses. The provision of a new industrial estate at this location will be a great asset and will contribute significantly to the regeneration and development of the local economy. They are aware of various local companies which require expansion space and would relocate to this new development once it becomes available.

***Noted.***

3.7 The Coal Authority have advised that the development is within the likely zone of influence on the surface from workings in 9 seams of coal at shallow to 180m depth, the last date of working being 1927. There are 3 mine entries within 20 metres of the development site.

***A note can be attached to any grant of planning consent advising the applicant of the advice of the Coal Authority.***

3.8 Scottish Environment Protection Agency have no objection on the understanding that the foul drainage including trade effluent and surface water from loading bays/service yards are connected to the public foul sewer. The design of the drainage system should be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination in addition to the normal design considerations. SEPA has a presumption against the culverting of watercourses and request any water courses at the site remain open and unaltered. The applicant should be made aware that an emergency overflow from Gozodeene Pumping Station discharges sewerage into a burn which flows through the site. It is possible that previous uses depositing of colliery spoil and manufacturing may have resulted in land contamination, although no details have been received relating to the site history or its conditions.

**Refer to response to Environment Health's comments regarding contamination issues. A condition can be attached to any grant of planning consent to ensure that the watercourses within the site remain open and unaltered.**

3.9 Health and Safety Executive do not advise on health and safety grounds against the granting of planning permission. This decision is based on the development being "Industrial Business" only which includes the following people at work, not specifically for people with disabilities, less than 100 workers, less than 3 storeys in all buildings.

***This proposal is dealing with the principle of industrial and business development only on the site. Details regarding the number of workers and height of the buildings will be dealt with at the detailed stage and the Health and Safety Executive would be consulted on these details again. The above assessment by the Health and Safety Executive is done on a model and it is difficult to envisage that the risk to the health and safety of one worker is different to that of 100 workers, however such details will be considered at the detailed stage.***

3.10 Scottish Executive Environment and Rural Affairs Department have indicated that they are no longer in a position to consider an objection on the grounds of loss of prime quality land as since the end of October 2002 the Special Protection of Prime Quality Land from Development has been removed. They consider this industrial and business development is to be non reversible. Under the present circumstances they will not be raising any objections.

***The application site is identified for industrial and business use within the Adopted East Ayrshire Local Plan and therefore the loss of prime quality agricultural land was considered when the above site was identified for business/industrial use.***

3.11 Grange Howard Community Council object to the proposed development regarding the possible effects of the additional traffic which this development could have on the Moorfield Roundabout have not been allayed.

***The Roads Division have no objections to the proposed development. This development together with the proposed residential development will be served by a new roundabout to be constructed on B7064 which is the subject of a separate application.***

3.12 West of Scotland Archaeology Services have not responded to their consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS RECEIVED**

4.1 There are two letters of objection from Scottish Water and Grange Howard Community Council which are detailed in Section 3.2 and 3.11 of the report.

#### **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 planning application, the Development Plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

5.2 Policy W2 of the Approved Ayrshire Joint Structure Plan states that the local plan should identify and bring forward 30 hectares (gross) of strategic industrial land supply in Kilmarnock. The EALP has identified the area of land comprising the current application site to meet the shortfall.

5.3 In terms of the EALP, the application site is identified as an industrial development opportunity site (**Strategic site**). Policy IND 4 will specifically reserve and encourage and support the development of Category 1 and 2 sites forming the effective business and industrial land supply as identified in the local plan for business, industrial, storage and distribution uses falling within Classes 4, 5 and 6 of the Use Classes Order. The proposed development is fully compliant with the EALP.

#### **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and objections detailed in Sections 3 and 4 of the report, NPPG2 Economic Development and the planning history of the site.

##### Consultations Responses and Representation Received

6.2 The consultation responses have been addressed in Section 3 of the report and do not raise any issues that would warrant refusal of this application.

***The issues raised by the consultation process can be addressed by attaching conditions to any grant of planning consent.***

6.3 NPPG2 states that the quality of industrial strategic business locations is important and they do not exist in isolation. Good access by public transport and other infrastructure provision is required to support their development as competitive locations. New development should be secured in sustainable locations in order to improve integration between transport and locations for development and to encourage more sustainable forms of development. New development should be of a high standard of quality and design and that the natural and built heritage is protected. The proposed development meets the objectives of NPPG2 above.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

7.2 Legal implications would arise from the Council entering into a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant. The main heads of terms of the Section 75 are addressed in detail in the Overview Report – Section 5.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, the application is in accordance with the development 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 There are material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. This major strategic general industrial site will complement land for business development elsewhere in Kilmarnock such as Rowallan Business Park, will create additional jobs and will assist in making Kilmarnock a more competitive business and industrial location. It will also bring environmental improvements to the immediate area by removing a concrete hardstanding and colliery area. It will enable implementation of the Action Plan providing a development strategy for the wider Moorfield area and the adoption of an integrated approach to residential and industrial development.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be approved subject to the conditions indicated on the enclosed sheet and that the issuing of the Planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Section 5 of the Overview report.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application would require to be referred to the Development Services Committee as there would be a significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

24 July 2003 (PC/SA)

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. NPPG 2: Business and Industry.
7. Report into Objections to the East Ayrshire Local Plan Volume 2 Housing.
8. Development Proposals at Moorfield North Industrial Site Development Services Committee: 20 May 2003.
9. Moorfield/Mount House Action Plan Development Services Committee: 21 November 2000.
10. Planning Application Nos: 02/0992/FL; 03/0313/OL; 03/0434/OL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on (01563) 576772.

***Implementation Officer: Dave Morris***

Central/03434OL

**EAST AYRSHIRE COUNCIL**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0434/OL

---

Site of Proposal:	Land to the West of Crosshouse Road, Moorfield KILMARNOCK
Nature of Proposal:	Proposed Industrial and Business Development
Name & Address of Applicant:	Land Improvement Holdings plc Per James Barr & Son 226 West George Street GLASGOW G2 2LN
Name & Address of Agent:	James Barr & Son 226 West George Street GLASGOW G2 2LN

---

DPOs Reference: PC/MMM

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

1. The proposed development shall be carried out in accordance with the application received on 24 May 2003 and the amended site location plan received by the Planning authority on 11 June 2003.

REASON To ensure that development is carried out in accordance with the approved details.

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 reserved:-

- a) The layout of the site;
- b) The size, height, design and external appearance of the proposed buildings;
- c) The means of drainage and sewage disposal;
- d) Details of the access arrangements;
- e) The provision for open space and associated maintenance arrangements;
- f) The provision for car parking;
- g) The boundary walls/fences to be erected;
- h) The landscaping of the site and associated maintenance arrangements;
- i) Finished site levels/floor levels.

REASON The approval is in outline only.

3. Details to be submitted in terms of Condition 2(a) above shall ensure that the watercourses which run through the application site shall be accommodated within any layout of the industrial estate and shall remain open and unaltered.

REASON To prevent culverting the watercourse to prevent maintenance difficulties.

4. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that the sewerage system is capable of accommodating the connection of this approved development.

REASON To ensure that adequate drainage is provided.

5. Prior to the commencement of development on site, a Risk Assessment shall be submitted to and approved by the Planning Authority to address whether or not contaminants are entering or are likely to enter controlled waters and at what concentration. The risk assessment shall include the following and any required remedial measures shall be undertaken prior to any construction works commencing on site.

- a) A full site investigation to identify the type and concentration of contaminants present in the soil;
- b) Using this data a conceptual site model shall be formed which describes the current conditions on the site and highlights any potential sources pathways-receptors.

REASON To enable the site to be proposed to a condition suitable for the proposed use in the interests of public safety.

6. Details to be submitted under Condition 2(h) shall include a landscaping scheme of structural planting along all perimeters of the site.

REASON To integrate the development into its surroundings.

7. No building work or buildings shall be within 16 metres of the high pressure Crosshouse-River Irvine 273 mm pipeline.

REASON In the interests of public safety.

Notes:

- 1. The applicant is advised that the development is within the likely zone of influence on the surface from workings in 9 seams of coal at shallow to 180m depth, the last date of working being 1927. There are 3 mine entries within 20 metres of the development site. The applicant should satisfy himself to the stability of the site.

2. The applicant is advised that an emergency overflow from Gozodeene Pumping Station discharges sewerage into the burn which flows through the site.

**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.**