

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 15 JUNE 2001**

### **01/0083/FL: PROPOSED ADVANCED FLEXIBLE BUSINESS UNIT FOR CLASS 4/5 USE, ROWALLAN BUSINESS PARK, KILMARNOCK BY SCOTTISH ENTERPRISE**

#### **EXECUTIVE SUMMARY SHEET**

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

1.1 It is proposed to construct a new industrial unit largely white in colour, to the north of the extended link road. The proposed unit is a large building similarly proportioned to existing buildings in Rowallan Business Park. It is 9.5m tall with a floor area of approximately 1000 square metres. Office and reception area are as detailed on the plans in a single storey glazed section situated on the front elevation on the south east corner of the building. Parking facilities for staff and visitors are to be provided at the front and service delivery will be made at the east side of the building. A screen wall is proposed obscuring the service area from the main elevation.

Ancillary areas are detailed as being landscaped but there is, in line with other units currently on site, sufficient land to the north of the building and within the red lined site for the purposes of future expansion.

##### **2. RECOMMENDATION**

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

##### **3. SUMMARY OF ANALYSIS**

3.1 As indicated in paragraph 5.2 in the report this application is considered to be contrary to the Adopted Plan. Therefore given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report there are material considerations of sufficient weight to overcome the presumption in favour of the Adopted Plan and merit the approval of the application.

**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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ENTERPRISE**

### **Report by Head of Planning and Building Control**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination, a full planning application which is to be considered by the Local Planning Committee under the scheme of Delegation because it has been subject to objections.

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

2.1 Site Description: The application site is a greenfield plot to the west of the existing industrial units established at Rowallan Business Park. Adjacent uses comprise the 'Travel Choice' call centre to the east and residential uses to the south across the link road and behind a bunded area. To the north and immediate west the site is bounded respectively by farmland and private open space (owned by the applicants).

2.2 Proposed Development: It is proposed to construct a new industrial unit, largely white in colour, to the north of the extended link road. The proposed unit is a large building similarly proportioned to existing buildings in Rowallan Business Park. It is 9.5m tall with a floor area of approximately 1000 square metres. Office and reception area are as detailed on the plans in a single storey glazed section situated on the front elevation on the south east corner of the building. Parking facilities for staff and visitors are to be provided at the front and service delivery will be made at the east side of the building. A screen wall is proposed obscuring the service area from the main elevation.

Ancillary areas are detailed as being landscaped but there is, in line with other units currently on site, sufficient land to the north of the building and within the red lined site for the purposes of future expansion.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transport Division have confirmed conditions that are required to be carried out to render the proposal compliant with their requirements.

***Noted, these items relate to numbers of parking spaces and internal circulation geometries and have been met through negotiation with the applicants. An additional requirement which related to the extension of the estate road outwith the red lined site can be met by means of a suspensive condition as it relates to land outwith the application site but within the applicants ownership.***

3.2 West of Scotland Water have confirmed that there is a public sewerage system available for both foul and surface water connection and the developer should make separate application to their office for connection and to discuss the provision of public water supply.

***Noted.***

3.3 Scottish Environment Protection Agency have confirmed that they have no objection to the proposal but have requested that surface water from the site is treated in accordance with principles of Sustainable Urban Drainage Systems Design Manual.

***Noted. However a separate surface water system is available for connection at this site.***

3.4 The Coal Authority have not advised of any ground stability issues which would be anticipated to affect the proposal.

***Noted.***

3.5 Fenwick Community Council has not replied at the time of writing.

***Noted.***

### 4. REPRESENTATIONS AND ISSUES RAISED

Three letters of representation have been submitted in respect of this application from residents who live in the area of housing to the south of the application site. The objectors are approximately 60m (200 ft) from the building proposed.

4.1 The height of the proposed building needs clarification as there is a difference in level on site that is not detailed in the plans.

***Noted. This matter was taken up with the applicant who confirmed with an additional detail how the proposed unit would sit in relation to the existing ground levels. This information demonstrated that the unit would sit in an area cut into the existing field but will be higher than the existing Call Centre by approximately 1.0m at ground floor level.***

4.2 Lighting of the building when and if constructed could cause a nuisance in unsociable hours.

***There is no additional information (other than street lighting) on this issue given the speculative nature of the proposal. If the Committee is of a mind to approve planning permission a condition securing control over this issue could be attached to any consent.***

4.3 Any future use of the building could generate excess noise especially at antisocial hours.

***Again, given the lack of information on any prospective tenant that this matter is difficult to quantify. However, it is in the nature of Class 4 Business uses that they are able to operate without detriment to residential properties by way of noise, fumes, dust etc. The proposal does, though, also seek consent for Class 5 Use, (General Industry)***

***It should be again noted that the development of Southcraigs for housing purposes has always been in the context of a neighbouring business park. The original outline consent for Residential and Industrial Development required, both by Conditions and Legal Agreement, the provision of structural landscaping, a buffer zone and bunding. Whilst the identification of the site for high amenity industry favoured Class 4 business uses, it was acknowledged that uses other than Class 4 may be acceptable where they did not compromise the high quality of the location or adversely affect residential amenity. Given the significant landscaped bund which runs along the rear of the area of houses and which is to be planted up with a mix of plants and trees, adverse impacts on neighbouring properties are considered to have been suitably mitigated.***

***The planting of this bund further to an earlier consent has not been implemented as quickly as intended and the Council's Enforcement powers are being used to expedite matters. Progress now appears to be being made in this particular regard.***

## **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 Adopted Ayrshire Joint Structure Plan and the Adopted Stewarton 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 policy 5.3.9 which requires that "industrial development" outwith committed sites (at that time) and settlement boundaries shall not be allowed except for housing in the countryside as defined by specific policies".

***The application site is outwith the settlement boundaries as defined at that time in the Stewarton Local Plan. Consequently this proposal is considered to be contrary to the development plan and has been advertised accordingly.***

***As indicated, the Adopted Local Plan is of considerable age and greater weight should be applied to other material considerations.***

## **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), the representations received and the impact on the amenity of the area/adjacent properties.

### **6.2 East Ayrshire Local Plan (Finalised Version with Modifications)**

As stated above 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 lies within an area safeguarded in Schedule 1 of the EALP as a strategic Industrial Site being readily available for immediate development and/or capable of being brought into active use within the short term. Policy IND 4 encourages the development of this site for business, industrial and storage and distribution uses falling within Use Classes 4, 5 and 6.

***The application proposes uses within Class 4 and 5 which would be in compliance with the EALP.***

### 6.3 Representations Received

As detailed in Section 4 above there have been representations lodged in respect of this application.

***It is not considered that the grounds raised are sufficient, given the circumstances of the relationship between the objectors' premises and the application site to justify a refusal of the application. As discussed previously there are adequate mitigating factors to reduce the perceived impacts listed by the objectors and the site is now, and has been for some years, appropriate for both Class 4 and 5 uses; where residential amenity is not affected.***

### 6.4 Impact on the Area/Adjacent Properties

As detailed above it is considered that this proposal will have no significant detrimental impact on the immediate area or adjacent properties.

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

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

## **8. CONCLUSION**

8.1 As indicated in paragraph 5.2 above this application is considered to be contrary to the Adopted Local Plan. Therefore given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 there are material considerations of sufficient weight to overcome the presumption in favour of the Adopted Plan. Chief amongst these is the identification of the area within which the development is proposed as a Strategic Industrial site and part of the effective business and industrial land supply.

## **9. RECOMMENDATION**

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

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

31 May 2001

(IW/MS)

FV/DVM

## **BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection.
5. Adopted Stewarton Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. NPPG1: The Planning System.
8. Adopted Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Ian Walker on (01563) 576769.

**Implementation Officer: Dave Morris**

I:NorthComm/O10083

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0083/FL

Location	Rowallan Business Park KILMARNOCK
Nature of Proposal	Proposed Advanced Flexible Business Unit for Class 4/5 Use
Name & Address of Applicant	Scottish Enterprise 120 Bothwell Street GLASGOW G2 7JP
Name & Address of Agent	Wren Rutherford ASL 202 Bath Street GLASGOW G2 4HW

DPO's Ref: IWIMS

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

1. A landscaping scheme including the treatment of the boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of any development and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include the details of the provision to be made for the maintenance of soft and hard landscaped areas and shall be maintained thereafter in accordance with these details.

REASON To ensure that adequate provision of open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of visual amenity .

2. Notwithstanding the plans hereby approved, details/samples of the external materials to be used shall be submitted to and approved by the Planning Authority before the development commences on site.

REASON In the interests of visual amenity.

3. The building shall be used only for purposes as defined by Classes 4 and 5 in the Town and Country Planning (Use Classes) (Scotland) Order 1997.

REASON To safeguard the amenity of the area.

4. The uses hereby approved shall not be commenced until the formation of an appropriate extension to the existing road network forming an industrial turning head. Such works will require a road construction consent and the details should be submitted for the approval of the Planning Authority prior to the commencement of development.

REASON In the interests of road safety.

5. Details of any external lighting, within the site and of the building, shall be submitted to and approved by the Planning Authority prior to being erected on site.

REASON In the interests of visual and residential amenity .

**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**