

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 20 AUGUST 2004**

**04/0616/FL: PROPOSED CHANGE OF USE TO STORAGE AND  
DISTRIBUTION OF MATERIALS FOR BUILDERS, TIMBER AND  
PLUMBERS MERCHANTS WITH TOOL HIRE, TRADE COUNTER,  
ANCILLARY RETAIL COUNTER, SECONDARY VEHICLE ENTRANCE  
AND ASSOCIATED EXTERNAL ALTERATIONS  
AT 2 SIMONSBURN ROAD KILMARNOCK  
BY KEYLINE BUILDERS MERCHANTS LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The applicants intend to change the use of the existing property from retail use to a Builders, Timber and Plumbers Merchants with the storage and distribution of materials comprising bricks, blocks, kerbstones, timber materials, fencing etc. 12 car parking spaces will be provided within the site at the boundary with Simonsburn Road and the property at no. 4 Simonsburn Road in addition to spaces alongside the main building. Most materials will be stored within the main yard area between the building and Ayr Road with materials to be stored in such a manner so as to allow an internal vehicular circulatory system by forklifts and tradesmen's vehicles.

1.2 External alterations will be minimal with generally changes only to allow additional door openings to be installed for vehicular and pedestrian access to the internal area of the building. The boundary of the site along Ayr Road is to be enclosed by a brick and timber panel infill fence of approximately 2.5 metres in height. This wall will screen the main external storage area that is located to the western site boundary and whose location is largely dictated by the position of the existing building centrally within the site. Stacking within the site along the boundary with Ayr Road, will be to a maximum height of 2.5 metres equating with the proposed boundary wall. Elsewhere within the site materials will be stacked to a maximum of 4.5 metres.

1.3 The applicant has advised that company opening hours to customers are 7.30am-5pm weekdays and Good Friday and 8am-12pm on Saturdays. Outwith these hours the only operations undertaken relate to loading and other ancillary operations. It is anticipated that 50 tradesmen's vehicles will visit the site per day plus 3 deliveries of articulated lorries although the site layout of the external yard space will accommodate deliveries and loading/unloading within the site. The second vehicle access being created on Simonsburn Road will assist in this regard.

1.4 The applicant further advises that the formation of a landscaping scheme along the western boundary at Ayr Road to provide a visual screen

was investigated. It has since been resolved to proceed with the construction of the boundary wall with timber infills as this will not interfere with the ability of tradesmen and vehicles to manoeuvre round the yard whilst collecting goods and materials. As a compromise they have offered to provide an area of landscaping where the boundary fence has to be stepped back to accommodate the highway visibility splay at the junction of Simonsburn Road.

1.5 The applicant has also advised that if granted planning permission, the proposed use would create 8 full-time positions of employment ranging from Branch Manager to Trade Counter staff and HGV drivers and forklift operators.

## **2. RECOMMENDATION**

**2.1 The application should be approved subject to the conditions indicated on the attached sheet.**

## **3. CONCLUSIONS OR SUMMARY OF ANALYSIS**

3.1 As indicated in 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 indicated otherwise.

3.2 As indicated in Section 6 of this report there are material considerations relevant to the application. The site is considered to be an appropriate and ideal location within an established industrial estate, close to the strategic road network points and will be compatible overall with neighbouring uses. Whilst there are residential properties opposite the site at its southern boundary, the gable of the closest house to Ayr Road has opaque windows and should not therefore be adversely affected in amenity terms. The measures proposed by the applicant, such as boundary treatment, will greatly improve the visual appearance of the site and help screen the stacking of materials along the principal boundary at Ayr Road. The applicant has further advised that the internal storage layout shown on the approved plans can be amended to ensure that the goods stacked along this boundary are less obvious and it is considered that a condition can adequately control this aspect of the development. Whilst it is accepted that, due to the position of the existing building within the site, the layout is constrained and there will be an element of stacked materials facing onto the Ayr Road, the height of same could be adequately controlled by the imposition of conditions should the Committee agree to grant consent.

3.3 It is further noted that the Roads Division are content with the proposals and do not foresee any adverse impact on the access and parking provision for neighbouring properties. Furthermore Simonsburn Road is accessed from the 'B' classified Ayr Road which feeds the A71 and A77

strategic traffic routes appropriate for higher volumes of traffic and it is not considered that the levels of traffic proposed by this development will have an adverse effect on the road network. The proposed use is entirely in-keeping with the other primarily industrial uses that occupy the industrial estate and the location is suitable for a merchants yard such as proposed.

## **CONTRARY DECISION NOTICE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application would not require to be referred to the Development Services Committee as there would not 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

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AT 2 SIMONSBURN ROAD KILMARNOCK  
BY KEYLINE BUILDERS MERCHANTS LTD**

**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 a full planning application, which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located at the junction of Simonsburn Road and Ayr Road to the south of Kilmarnock within the established Loreny Industrial Estate. The site is bound to the north and east by other premises within the industrial estate, to the south by vacant land which is zoned for industrial development in the Adopted East Ayrshire Local Plan and to the west by Ayr Road beyond which is a residential cul-de-sac of 9 detached dwellinghouses and Caprington Golf Course. The site comprises a single storey building comprising render and brick with vehicle access onto Simonsburn Road at the north-east site boundary.

2.2 **Proposed Development:** The applicants intend to change the use of the existing property from retail use to a Builders, Timber and Plumbers Merchants with the storage and distribution of materials comprising bricks, blocks, kerbstones, timber materials, fencing etc. 12 car parking spaces will be provided within the site at the boundary with Simonsburn Road and the property at no. 4 Simonsburn Road in addition to spaces alongside the main building. Most materials will be stored within the main yard area between the building and Ayr Road with materials to be stored in such a manner so as to allow an internal vehicular circulatory system by forklifts and tradesmen's vehicles.

2.3 External alterations will be minimal with generally changes only to allow additional door openings to be installed for vehicular and pedestrian access to the internal area of the building. The boundary of the site along Ayr Road is to be enclosed by a brick and timber panel infill fence of approximately 2.5 metres in height. This wall will screen the main external storage area that is located to the western site boundary and whose location is largely dictated by

the position of the existing building centrally within the site. Stacking within the site along the boundary with Ayr Road, will be to a maximum height of 2.5 metres equating with the proposed boundary wall. Elsewhere within the site materials will be stacked to a maximum of 4.5 metres.

2.4 The applicant has advised that company opening hours to customers are 7.30am-5pm weekdays and Good Friday and 8am-12pm on Saturdays. Outwith these hours the only operations undertaken relate to loading and other ancillary operations. It is anticipated that 50 tradesmen's vehicles will visit the site per day plus 3 deliveries of articulated lorries although the site layout of the external yard space will accommodate deliveries and loading/unloading within the site. The second vehicle access being created on Simonsburn Road will assist in this regard.

2.5 The applicant further advises that the formation of a landscaping scheme along the western boundary at Ayr Road to provide a visual screen was investigated. It has since been resolved to proceed with the construction of the boundary wall with timber infills as this will not interfere with the ability of tradesmen and vehicles to manoeuvre round the yard whilst collecting goods and materials. As a compromise they have offered to provide an area of landscaping where the boundary fence has to be stepped back to accommodate the highway visibility splay at the junction of Simonsburn Road.

2.6 The applicant has also advised that if granted planning permission, the proposed use would create 8 full-time positions of employment ranging from Branch Manager to Trade Counter staff and HGV drivers and forklift operators.

### **3. CONSULTATIONS AND ISSUES RELATED**

3.1 East Ayrshire Council Environmental Health and Waste Management Division have no adverse comments or objections to make.

***Noted.***

3.2 Transco have not objected to the proposed development although have recommended early contact with their organisation prior to commencing works on site.

***Noted. If Members choose to grant consent, an advisory note can be attached to the decision notice.***

3.3 East Ayrshire Council Roads and Transportation Division have no objections to the proposed development providing the new access is constructed to commercial vehicle standard as indicated in the Roads Development Guide. The applicant must obtain a Road Opening Permit in advance of starting work on site to ensure that the junction is formed to an adoptable standard. The visibility at the junction of Simonsburn Road and Ayr Road must not be obstructed by the stacking of bricks within the yard and must be formed to 9 metres by 90 metres to the south of the site.

***Noted. Should members choose to grant consent, the above comments can be attached to the decision notice as an advisory note. The applicant has agreed to form the necessary visibility splay as detailed in Section 2.5 of this report and form a small area of low level planting with plans submitted to this effect. Members are also advised that the Roads and Transportation Division's response is of particular reference to the letter of objection as detailed in section 4 of this report.***

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

4.1 One letter of objection has been received. The points raised are as follows:

4.2 The increased flow of traffic due to the opening of Matalan has made roads surrounding this area extremely congested and there is often a long queue of traffic in Simonsburn Road waiting to exit onto Ayr Road. This often makes it a long wait to exit the car park associated with 1 Simonsburn Road. The opening of a Builders Merchants' is likely to considerably increase the amount of traffic and thereby heightening these difficulties and the second vehicle access will only make it even more intolerable with commercial traffic primarily coming into the estate to utilise the new premises.

***The letter of objection has been forwarded to the Roads & Transportation Division for their consideration along with their statutory consultation. The Roads & Transportation Division are supportive of the proposals as contained in Section 3.3 and do not consider that the development will adversely affect the capacity of the local traffic network. The Roads & Transportation Division have advised that the proposed development is a change of use of existing premises that has an open retail consent and it is not considered that any increase in traffic that could result would be significant.***

4.3 The car park for 1 Simonsburn Road is often used by others to an extent that it is frequently full and often difficult to find a space. The entry into this car park is often used by vans and lorries turning, which again offers access difficulties thereby exacerbating the current situation.

***This is an operational issue for the owners of the site and is not considered to be a material planning consideration. In this respect the applicants comments under Section 2.7 are also noted.***

4.4 In response to the letter of objection, the applicant has advised that at no time during previous site visits, has significant delay been experienced in exiting Simonsburn Road and he can only assume that this may occur at the end of the business day which is a nationwide problem usually abating within a reasonable period of time. To provide an element of comfort to the objector, the applicant has also advised that the use of the objectors car park at 1

Simonsburn Road will not be affected by their presence within the industrial estate as the applicants business is undertaken entirely within the confines of their own site. As the business involves the distribution and storage of building materials that are invariably heavy, this often requires being lifted into commercial vehicles using forklift trucks. These forklifts will not be licensed to enter the public highway and will not therefore use the objectors car park.

## **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 (1999) and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan (AJSP)

5.2 There are no relevant policies within the AJSP and greater weight must be attached to the provisions of the EALP.

### East Ayrshire Local Plan (EALP)

5.3 Policy IND 6 of the EALP requires all proposals for new industrial or business development on land not specifically identified for such proposals on the local plan maps and change of use of existing premises to industrial or business use to be justified against 8 separate criteria as follows:

- Locational need.
- The availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply.
- Economic benefit.
- Impact on the surrounding environment and adjacent uses.
- Transportation and infrastructure implications.
- Loss of public amenity open space.
- Loss of prime quality and good quality agricultural land.
- Impact on natural and built heritage resources.

***Loreny Industrial Estate is zoned and safeguarded within the EALP as protected industrial land with the exception of the land occupied by this application site. It is believed that the reason for this is due to the planning history as detailed within Sections 6.3 & 6.4 of this report which detail the previous and current retail consents.***

***Although not protected industrial land, it is considered that the site is physically related to the industrial estate and also forms part of the functional industrial estate. It is appropriate for a builders merchant because Loreny Industrial Estate accommodates a range of industrial uses and is located close to the major road links of the A71 and A77***

*meaning that vehicles would generally use those principal traffic routes to access the site. The merchants yard would improve the visual appearance of the site which is generally poor at present and is located at the entrance to the estate. It would create employment opportunities and add benefit to the local economy. The site can be accessed to the satisfaction of the Council's Roads and Transportation Division subject to the provision of visibility splays and an improved secondary access. The last three criteria are not relevant to this proposal and it is considered that the proposed development overall complies wholly with the terms and spirit of Policy IND6.*

## **6 ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations are the consultation responses and letters of objection which are detailed in Sections 3 and 4 of this report respectively and the planning history of the site.

### Consultations and Representations Received

6.2 It is not considered that any aspects of the consultations or letter of objection received warrant the refusal of this application. The comments received from the Roads and Transportation Division relative to the letter of objection are a primary consideration and it is noted that no adverse comments were received. The Roads and Transportation Division consider that the surrounding traffic network can accept the traffic from this development and that the site can be safely accessed.

### Planning History

6.3 As detailed in Section 5.3 of this report whilst forming part of the Loreny Industrial Estate, the site is not safeguarded for industrial purposes. The most likely reason for this is due to the planning history of the site. There is quite an extensive history and the main applications are detailed as follows:

6.4 The property was granted conditional planning permission (ref. no. KL/W/80/253) under delegated powers on 23 September 1980 to MGM Garden and Leisure Ltd for a "change of use within existing garden and recreation centre to form a cafeteria". In 1986 the site was subsequently taken over by Comet and then the present operator in the late 1990's. The most recent planning application relates to an extension to the existing retail unit trading as Walkers Furniture where conditional planning permission was granted (ref: 02/0495/FL) by the Central Local Planning Committee on 01 August 2003.

## **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 As indicated in 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 indicated otherwise.

8.2 As indicated in Section 6 of this report there are material considerations relevant to the application. The site is considered to be an appropriate and ideal location within an established industrial estate, close to the strategic road network points and will be compatible overall with neighbouring uses. Whilst there are residential properties opposite the site at its southern boundary, the gable of the closest house to Ayr Road has opaque windows and should not therefore be adversely affected in amenity terms. The measures proposed by the applicant, such as boundary treatment, will greatly improve the visual appearance of the site and help screen the stacking of materials along the principal boundary at Ayr Road. The applicant has further advised that the internal storage layout shown on the approved plans can be amended to ensure that the goods stacked along this boundary are less obvious and it is considered that a condition can adequately control this aspect of the development. Whilst it is accepted that, due to the position of the existing building within the site, the layout is constrained and there will be an element of stacked materials facing onto the Ayr Road, the height of same could be adequately controlled by the imposition of conditions should the Committee agree to grant consent.

8.3 It is further noted that the Roads Division are content with the proposals and do not foresee any adverse impact on the access and parking provision for neighbouring properties. Furthermore Simonsburn Road is accessed from the 'B' classified Ayr Road which feeds the A71 and A77 strategic traffic routes appropriate for higher volumes of traffic and it is not considered that the levels of traffic proposed by this development will have an adverse effect on the road network. The proposed use is entirely in-keeping with the other primarily industrial uses that occupy the industrial estate and the location is suitable for a merchants yard such as proposed.

## **9 RECCOMENDATION**

**9.1 The application should be approved subject to the conditions indicated on the attached sheet.**

### **CONTRARY DECISION NOTICE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application would not require to be referred to the Development Services Committee as there would not be a significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**04 August 2004**

**(FMF/RH)**

**FV/DVM**

**LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates
3. Statutory Consultations.
4. Representations Received.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Previous planning applications and planning history.

Anyone wishing to inspect the above background papers should contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

**EAST AYRSHIRE COUNCIL**

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**

04/0616/FL

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Site of Proposal:	2 Simonsburn Road Loreny Industrial Estate KILMARNOCK
Nature of Proposal:	Proposed Change of Use and Distribution of Materials for Builders, Timber and Plumbers Merchants with Tool Hire, Trade Counter, Ancillary Retail Counter, Secondary Vehicle Entrance and Associated External Alterations
Name & Address of Applicant:	Keyline Builders Merchant Southbank House 1 Strathkelvin Place Kirkintilloch GLASGOW G66 1XH
Name & Address of Agent:	Andrew Brodie Per Travis Perkins Ryehill House RyeHill Close Lodge Farm Industrial Estate NORTHAMPTON NN5 7UA

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DPOs Reference: FMF/RH

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 form received on 28 April 2004 and the amended site plan received by the Planning Authority on 26 July 2004.

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

2. Prior to the commencement of development on site, full details of any external lighting shall be submitted to and approved by the Planning Authority and implemented on site according to the approved details.

REASON In the interests of the visual amenity of the area.

3. Prior to the commencement of any development on site, details of the internal site layout for the storage of materials along the site boundary with Ayr Road shall be submitted to and approved in writing by the Planning Authority and the materials shall thereafter be stored in accordance with the approved layout.

REASON In the interests of visual amenity.

4. Notwithstanding the terms of Condition 3 above, the stacking of materials stored external to the building within the site shall not exceed 4.5 metres in height with the exception of the materials to be stored in that part of the site along the boundary adjoining Ayr Road which shall not exceed 2.5 metres in height above existing ground level at any time.

REASON In the interests of visual amenity.

5. All car parking spaces shown on the plans approved under the terms of Condition 1 shall be laid out as approved prior to the proposed development hereby approved being brought into use and shall be maintained thereafter in accordance with the approved details.

REASON In order to ensure the provision of adequate car parking facilities within the site.

6. Prior to any work commencing on site details of a 2.5 metre high boundary wall along the site boundary with Ayr Road shall be submitted to and approved in writing by the Planning Authority. The design of the wall shall comprise facing brick with timber infill panels and the wall shall be erected on site as approved prior to the commencement of trading from the site and maintained at all times thereafter.

REASON In the interests of visual amenity.

## NOTES

1. The applicant should contact Transco prior to starting work on site on 0141 418 4093.
2. The applicant is advised that the signage shown on the approved plans do not form part of this consent. Separate application shall be made for advertisement consent that may be necessary under the Town and

Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

3. The applicant should contact the Council's Roads and Transportation Division to discuss obtaining the necessary road opening permit.

040616FL2SimonsburnRoadKILMARNOCKRH

**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.**