

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 JUNE 2004

**04/0366/FL: PROPOSED CHANGE OF USE FROM FORMER RAILWAY LINE
TO PREMISES FOR THE PROCESSING OF END OF LIFE VEHICLES AND
ERECTION OF 2M HIGH PALISADE FENCE
AT WYDNFORD GARAGE, KILMAURS ROAD, KNOCKENTIBER
BY BARRY DEVLIN SERVICES**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application is for a proposed change of use from former railway line to extend existing premises for the processing of end of life vehicles and erection of 2m high palisade fence.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 It is considered that the proposed development meets the requirements of Policies IND7 and IND10. Although the site is located within Rural Protection Area, it is acceptable as it constitutes the expansion of a well established business and due to the nature of the site the impact on the natural environment is considered to be minimal.

3.3 In terms of the application the consultations received are generally supportive. The submitted letters of objection are noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without detriment to the surrounding area.

CONTRARY DECISION NOTE

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

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 application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objections and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a section of disused railway line located at Kilmaurs Road, Knockentiber. The application site is bounded by Wyndford Cottages to the north, Kilmaurs Road to the east and agricultural land to the south. The proposed site sits below the road and is not visually prominent.

2.2 **Proposed Development:** The application is for a proposed change of use from former railway line to extend existing premises for the processing of end of life vehicles and erection of 2m high palisade fence.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco, The Coal Authority, Scottish Water, SEPA, East Ayrshire Roads and Transportation Division and Department of Neighbourhood Services have raised no objections to the application. However, SEPA comment that there should be formed an above ground SUDS system. Environmental Health comment that the site would be enforced by SEPA License Conditions and recommend only a general planning condition be applied to regulate any nuisance being caused to nearby residents.

Noted. A condition regarding general nuisance can be attached to any planning consent.

3.2 Kilmaurs Community Council have not replied to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 Two letters of representation were received in respect of the proposed development. The grounds of objection are as follows:-

4.2 A change of use as proposed could deny local walkers and ramblers the use of the disused railway line by causing a permanent barrier due to security measures that would be put in place for the development.

The disused railway line has been purchased by the applicant as part of the expansion of his business. There is no public right of passage or access across this land. There is a public right of way located to the south of the development which can be used to serve local walkers and ramblers.

4.3 Such a change of use could be detrimental to the ecological system that will be already established within the area.

It is not considered that the development will have a significant impact on the ecological system of the area. The expansion incorporates a disused railway line and the impact to the ecological system is considered negligible.

4.4 The proposed extension is over the former Crosshouse railway station. If allowed to go ahead this would prevent the possible re-opening of the Kilmarnock/Dalry railway line which could be at the heart of possible Scottish Office rail developments for Kilmarnock in the future given the opening of the M77 road and population increase.

This is not a material consideration in determining this application as it concerns events which may or may not take place in the future.

4.5 The scrap yard is already an eye sore to members of the public who walk past it and any developments will only lead to further smells and an overall detrimental impact to the surrounding countryside and the existing cycle pathway.

It is not considered that the development will have a significant impact on the residential amenity of the surrounding area. The site

is already used as a Car Breakers Yard and the proposed use and subsequent expansion will have minimal additional impact on the surrounding area or passing members of the public.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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.

Approved Ayrshire Joint Structure Plan

5.2 The application does not raise any strategic issues that would require assessment against the provisions of the Approved Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy IND7 supports extensions to existing industrial premises and extensions to non-industrial buildings for industrial or business purposes subject to the proposal being justified against a set of five criteria and the relevant criteria are listed below:-

- (i) impact on the surrounding environment and adjacent uses;

The site is located below road level on a former rail line and is not obviously visible from the road or surrounding area. The site is outwith the Knockentiber settlement boundary and the only immediate use is the existing business, a vehicle recovery service.

- (ii) transportation and infrastructure implications;

East Ayrshire Roads and Transportation Division have offered no objections.

- (iii) impact on natural and built heritage resources;

The impact on the surrounding natural environment is considered to be minimal due to the nature, past use and location of the site.

5.4 Policy IND10 states that industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal

relates to one of five stated types of development. Only one of these stated types of development is pertinent to the application, this being:-

(v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need located within the Rural Diversification Area.

Although located within the Rural Protection Area, it is considered that a site specific locational need can be demonstrated by the expansion of this established business. Due to the nature of the site, being on a former rail line and below the level of the adjacent road, it is considered that the proposal will have an acceptable and limited level of impact on the environment.

The policy also requires all proposals for industrial and business developments in the countryside to be justified against a set of six criteria as follows:-

- (i) their impact on the surrounding environment;
- (ii) their impact on adjacent uses;
- (iii) transportation implications;
- (iv) infrastructure implications;
- (v) loss of prime agricultural land; and
- (vi) impact on natural and built heritage resources

It is considered that the impact of the proposed application in relation to the above criteria will be minimal and it therefore should be approved.

5.5 It is therefore considered that the proposed development meets the requirements of Policies IND7 and IND10. Although the site is located within Rural Protection Area, it is acceptable as it constitutes the expansion of a well established business and due to the nature of the site the impact on the natural environment is considered to be minimal.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant in the determination of this application comprise the consultation responses, letters of representation and the impact of the proposal on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in section 3 of this report and offer no objection to the proposed development.

Letters of Representation

6.3 The letters of representation are detailed in Section 4 of this report and the points raised are not considered to warrant the refusal of this application.

Impact of the Proposal on the Amenity of the Area

6.4 The circumstances of the proposed development are such that it is considered that the proposals can be accommodated without detriment to the surrounding area.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 It is considered that the proposed development meets the requirements of Policies IND7 and IND10. Although the site is located within Rural Protection Area, it is acceptable as it constitutes the expansion of a well established business and due to the nature of the site the impact on the natural environment is considered to be minimal.

8.3 In terms of the application the consultations received are generally supportive. The submitted letters of objection are noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without detriment to the surrounding area.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning, Development and Building Standards

10 June 2004
(EMcL/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 99/0829/FL.

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

Implementation Officer: Dave Morris

040366FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0366/FL

Site of Proposal:	Wyndford Garage Kilmaurs Road KNOCKENTIBER
Nature of Proposal:	Proposed Change of Use from Former Railway Line to Premises for the Processing of End of Life Vehicles and Erection of 2 m High
Name & Address of Applicant:	Barry Devlin Services Wyndford Garage Kilmaurs Road KNOCKENTIBER Kilmarnock KA2 0DJ
Name & Address of Agent:	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

DPOs Reference: EMcL/MMM

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

1. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992, and the Town and Country Planning (Use Classes) (Scotland) Order 1997, this permission relates to the use of the premises for the processing of end of life vehicles and the further express permission of the Planning Authority shall be required in respect of any other use which falls within the same use class to the use hereby approved.

REASON To enable the Planning Authority to retain control over the use of the site in the interests of residential amenity.

2. The use hereby approved shall operate without detriment to neighbouring residential properties by reason of noise, dust, smoke or fumes.

REASON In order to maintain the level of amenity prevalent in the area.

NOTE:-

1. Early contact should be made with SEPA on 01292 294000 at SEPA, Ayr Office, 31 Miller Road, Ayr, to ensure that the drainage requirements are to SEPA's satisfaction.
2. Early contact should be made with Transco on 0141 418 4093 at 95 Kilbirnie Street, Glasgow as Transco apparatus may be located on/adjacent to the site in order to prevent damage to said apparatus.

**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.**