

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 OCTOBER 2004**

**03/0594/FL: CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO  
STORAGE AND DISTRIBUTION CLASS 6  
AT WEST WHITELEE FARM, OLD GLASGOW ROAD, STEWARTON  
BY J & L ROSS**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The storage business extends to approximately 200sqm and has been formed from a redundant building attached to the main house. It has been operating since October 2001. The applicants have submitted information in support of the application that confirms how they operate including client dealings via the internet, the phone and e-mail. No members of the public, company reps etc visit the premises. The business involves the forwarding of primarily flags for exhibitions and events. The merchandise is delivered to the premises in large batches and then sorted for clients and sent on. Goods deliveries to the premises comprise one 7 tonne vehicle per month. Outgoing deliveries are one van per day.

1.2 Access to the site is via an existing agricultural access road which now serves the applicants and another resident whose house is situated approximately 30m to the east.

Another residence is situated to the south east of the applicants' premises but is served off a new dedicated access road formed this year.

#### **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 above the application accords with terms of the Development Plan and should be approved unless material considerations indicate otherwise. The material considerations are as detailed in Section 6 of the report and these are not considered to raise sufficient issues to warrant the refusal of the

application. The main favourable characteristics are the low environmental impact, the favourable consultee position and the use of mediums such as the Internet to communicate with the customer base.

### **CONTRARY DECISION NOTE**

Should the Committee be minded to refuse the application 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 as this would not be a significant departure from policy.

**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 a full application for planning permission which is required to be determined by the Local Planning Committee under the scheme of delegation as it has been subject to objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** This application involves the retrospective formation of a storage and distribution use at a building associated with the former farm house at West Whitelee Farm, Old Glasgow Road, Stewarton. The premises are in the form of a courtyard and the former farmhouse is situated to the south of the subject building. West Whitelee has not been used as farm for some years now and the applicants upgraded the property substantially in 2001.

In addition to the applicants, two other persons are employed in the business.

2.2 **Proposed Development:** The storage business extends to approximately 200sqm and has been formed from a redundant building attached to the main house. It has been operating since October 2001. The applicants have submitted information in support of the application that confirms how they operate including client dealings via the internet, the phone and e-mail. No members of the public, company reps etc visit the premises. The business involves the forwarding of primarily flags for exhibitions and events. The merchandise is delivered to the premises in large batches and then sorted for clients and sent on. Goods deliveries to the premises comprise one 7 tonne vehicle per month. Outgoing deliveries are one van per day.

2.3 Access to the site is via an existing agricultural access road which now serves the applicants and another resident whose house is situated approximately 30m to the east.

Another residence is situated to the south east of the applicants' premises but is served off a new dedicated access road formed this year.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health and Waste Management Service, SEPA and Scottish Water have not offered any comment in connection with above application.

***Noted.***

3.2 East Ayrshire Council's Roads and Transportation Division had through their initial consultation, confirmed that they require the access road serving the premises to be upgraded to a standard appropriate for the anticipated commercial usage.

***This issue was the subject of protracted correspondence with the applicants and their agents. However recent events with the adjacent owner forming a new separate dedicated access have resulted in the Councils Road Division setting aside elements of their earlier requirements. The proposal does not now require further improvements to the existing access road. There are issues with the junction with Old Glasgow Road, and these given the retrospective nature of the application can only be addressed by means of a negative suspension condition. They involve the upgrading of the access to East Ayrshire Council adoptable standards.***

3.3 Stewarton and District Community Council have confirmed that provided there are no road safety issues they would not object.

***Noted.***

### 4. REPRESENTATIONS

Letters of representation have been submitted from the residents of two houses that shares the vehicular access from Old Glasgow Road. The grounds are as follows:-

The use results in disruption to the rural character of the area.

***The principal of the use in a rural area is explored separately (see Section 5 below).***

4.2 East Ayrshire have areas for uses of this nature

***This is a reference to the commercial use of the building (See section 5 below).***

4.3 The use results in disturbance from the delivery vehicles and damage to the access road.

***Noted. The comments from the Councils Roads Division above confirm that they are satisfied with the use at the premises.***

4.4 There is no restriction on the operating hours of the facility.

***Noted. Again this is a reference to the retrospective uncontrolled nature of the application. If the Committee are of a mind to approve the application conditions restricting the use could be attached to any consent.***

4.5 The delivery vehicles are damaging the private access road, and are dangerous.

***Noted. As stated this is a private civil issue. The Council's Roads Division has confirmed that the road is adequate for the proposed business and associated houses.***

4.6 The objectors have through additional correspondence indicated where the proposal in their view fails to meet the requirements of the Development Plan raising issues of the appropriateness of the use in the rural situation, the scale and nature of traffic problems and other disturbances.

***The development plan considerations are highlighted in Section 5 of the Report.***

4.7 One letter of support has been submitted from the resident of the other house in the immediate vicinity of the application site. That individual maintains that the new use has caused him no nuisance and that the degree of activity is considerably lower than that experienced from the previous use of the premises as a farm.

***Noted.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 state that applications for planning permission should be determined in

accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan constitutes the approved Ayrshire Joint Structure Plan and the adopted East Ayrshire Local Plan ( 2003).

5.2 Given the nature of this application it is considered appropriate to consider it primarily against the terms of the Local Plan. The relevant policy in this instance is Policy IND 11 of the plan which confirms the Council's position in respect of small businesses being run from buildings associated with residential use.

5.3 The application has been considered against the terms of this policy and found on balance to accord with the terms therein. Chiefly the relatively low environmental impact and the handling of all contact with customers through the internet or other electronic means adds to the favourable consideration of the proposal against the terms of the policy.

5.4 If the Committee are of a mind to approve the application it is considered prudent to restrict the nature of the business and to ensure that no storage of materials takes place out with the building identified in the submission.

On the above basis the application is considered to accord with the Development Plan.

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

6.1 The relevant material considerations in this instance are the consultation responses, the letters of objection and the impact of the use on the area.

6.2 In respect of the former no objection or insurmountable comment has been received from the consultees.

6.3 The impact on the amenity of the area is, due to the nature of the business, limited. The main functions are accommodated in the building and with the exception of deliveries and arrivals of staff there is minimal impact on the area.

6.4 The position of the objectors is noted, however the proposal is considered to be in accordance with Development Plan. The potential for a degree of disturbance as raised by the objector is noted as is the counter position stated by the other resident in the immediate vicinity of the application site. On balance it is therefore considered appropriate to restrict the deliveries to and from the premises during weekends and evenings. If the Committee are of a mind to

approve the application such a restriction could be attached by means of a condition.

## **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 above the application accords with terms of the Development Plan and should be approved unless material considerations indicate otherwise. The material considerations are as detailed in Section 6 of the report and these are not considered to raise sufficient issues to warrant the refusal of the application. The main favourable characteristics are the low environmental impact, the favourable consultee position and the use of mediums such as the Internet to communicate with the customer base.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTE**

Should the Committee be minded to refuse the application 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 as this would not be a significant departure from policy.

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

21 September 2004  
(IW/MMM/SA)  
FV-DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates
3. Letters of Objection.
4. Consultation Replies.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

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

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0594/FL

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Site of Proposal:	West Whitelee Farm Old Glasgow Road STEWARTON
Nature of Proposal:	Proposed Change of Use of Redundant Farm Buildings to Storage and Distribution Class 6
Name & Address of Applicant:	J & L Ross West Whitelee Farm Old Glasgow Road STEWARTON Kilmarnock KA3 5JU
Name & Address of Agent:	Hay Lough Davis Glenfield House 69 Glasgow Road DUMBARTON Glasgow G82 1RE

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DPOs Reference: IW/MMM

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

1. The building shall be used only for storage or distribution purposes as defined by Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

REASON To safeguard the amenity of the area.

2. The storage of materials shall be restricted only to the building as identified in red on the application form and plans.

REASON In the interests of visual/amenity and to enable the Council to retain control over the future development of the site.

3. No storage of materials or articles shall take place on the premises outside the building as identified on the approved plans.

REASON To safeguard the residential amenity of the area (and in the interest of highway safety).

4. The use hereby approved shall not operate before 08:30 hours and after 18:00 hours Monday to Friday or before 09:00 hours and after 13:00 hours on Saturdays nor at no time on a Sunday.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

5. Notwithstanding the provisions of the Town and 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 in terms of Class 6 of the 1997 Order and the further express permission of the Planning Authority shall be required in respect of any other use which falls in the same use class and in respect of any change to another use class otherwise permitted by the Order.

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

6. Prior to the implementation of the use hereby approved, the access road over the length of 35metres closest to Old Glasgow Road shall have been widened to 5.5 metres. This length of road shall have been constructed to East Ayrshire Roads Division's standards.

REASON In the interests of road safety.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**