

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 1 JUNE 2001**

**01/0234/FL: PROPOSED ERECTION OF GARAGE  
AT 11 KILMARNOCK ROAD, CROSSHOUSE  
BY MRS J DICKSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the erection of a garage for Kilmaurs Freight Services. The garage is 140 square metres in area and would be adjacent to the existing garage used by Kilmaurs Freight Services. The garage will be used to store 2 articulated lorries, a fork lift and on occasions goods in transit. The lorries will use the garage twice a week and for the remainder of the week the lorries will be travelling to and from the continent. The applicant intends to rent out the existing garage and occupy the new garage for their haulage business. The proposed garage has a pitched roof of corrugated roof sheeting, with the lower section of walls to be constructed in blockwork to a height of 2.2 metres with the upper section of the walls to be constructed in polyester coated profile metal sheeting to a height of 2.5 metres

**2. RECOMMENDATION**

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

**3. SUMMARY OF ANALYSIS**

3.1 As indicated at paragraph 5.2 of the report it is considered that the application is in accordance with the development plan. Therefore given the terms of Section 25 and Section 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 other material considerations relevant to this application as detailed in Section 6 of the report. Taking the material considerations together it is considered that a departure from the policies of the East Ayrshire Local Plan can be justified in this instance due to the history of a haulage use on this site. The design of the garage is in keeping with the existing garage and surrounding area. The garage is to be sited at a lower level than the adjacent residential

properties. The location of the garage will not have an adverse impact on the adjacent residential properties. Concerns have been raised by Crosshouse Community Council regarding the use of the existing access from Kilmarnock Road in terms of road safety and traffic congestion. These concerns have not been echoed by the Roads Division.

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

**Note: This document combines key section 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 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 as it involves a minor departure from the East Ayrshire Local Plan Finalised Version with Modifications and is subject to an objection.

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

2.1 **Site Description:** The application site is the curtilage of the existing garage of Kilmaurs Freight Services and the existing access from Annandale Lane. The site is surrounded to the north by Busbie Farm, to the south and east by a mixture of commercial and residential properties and to the west by Carmel Water, the Kilmaurs Road and an Indian restaurant. The site is level and on the eastern boundary there is an embankment.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a garage for Kilmaurs Freight Services. The garage is 140 square metres in area and would be adjacent to the existing garage used by Kilmaurs Freight Services. The garage will be used to store 2 articulated lorries, a fork lift and on occasions goods in transit. The lorries will use the garage twice a week and for the remainder of the week the lorries will be travelling to and from the continent. The applicant intends to rent out the existing garage and occupy the new garage for their haulage business. The proposed garage has a pitched roof of corrugated roof sheeting, with the lower section of walls to be constructed in blockwork to a height of 2.2 metres with the upper section of the walls to be constructed in polyester coated profile metal sheeting to a height of 2.5 metres.

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

3.1 East Ayrshire Council Roads Division have no adverse comments to make regarding the proposed development.

***Noted.***

3.2 Scottish Environment Protection Agency have no objection provided the drainage arrangements are to their satisfaction. The applicant should consider the use of Sustainable Urban Drainage Techniques for the disposal of surface water. SEPA would prefer that surface water is disposed of within the site rather than to the Carmel Water. Any foul drainage must be connected to the foul sewer as should any effluent from the washing or steam cleaning of vehicles which should be carried out in a dedicated wash bay. The applicant should contact West of Scotland Water regarding sewer connections. Waste oil from maintenance of vehicles should be stored in suitable containers inside an impermeable bund and must be disposed of to a suitably licensed site. Surface water, which is contaminated by oil, must not be discharged to the Carmel Water.

***The applicant has indicated that vehicles will not be washed on site. Therefore the only surface water displaced from the site will be from the roof. The applicant has proposed a stone drain to deal with surface water and such a solution would be acceptable to SEPA. All toilet waste will be dispersed to a septic tank which was approved for the previous proposal for a dwellinghouse on the site.***

3.3 Crosshouse Community Council have objected to the development on the grounds of safety and traffic congestion and intensification of activity on Kilmarnock Road, Crosshouse. The entrance to the property from Kilmarnock Road is very tight for large vehicles turning in past the chip shop on one side and the bus stop on the other. An increase in traffic in that area would only aggravate the problems already there. It is certainly also adding to the problems of safety in that area. It is a very unsuitable area for heavy traffic turning in from Kilmarnock Road.

***The Roads Division have raised no objection to this development.***

#### **4. REPRESENTATIONS**

4.1 There is one letter of objection from Crosshouse Community Council which is detailed in paragraph 3.3 of the report.

#### **5. DEVELOPMENT PLAN STATUS**

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 Kilmarnock 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 4.2.5. This policy allows development which constitutes expansion related specifically to an existing adjoining industrial or commercial use which does not have a detrimental effect on any surrounding uses, roads or services. This policy aims to encourage small scale industrial development.

***The proposal involves the erection of a garage for the haulage company who occupy the existing garage within the site. It is intended that the existing garage is to be used by another haulage company. The proposed development is consistent with the above policy. The consultees have not raised any adverse comments regarding the development.***

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

6.1 The other principle material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), consultations and objection received and the planning history of the site.

6.2 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.

6.3 The site is identified as a miscellaneous opportunity site in the above plan whereby the Council will support the redevelopment of the site for appropriate Class 4 industrial uses, residential or leisure and recreational purposes.

***The present proposal conflicts with the above policy as a haulage business is a sui generis use (not lying within any use class), within the Town & Country Planning (Use Classes) (Scotland) Order 1997. However an exception to this policy may be justified in this instance as the adjacent existing garage and the application site have been used for 9 years by the applicant for a haulage business. The application site has had a history of a haulage use and the storage of coaches since 1920.***

6.4 Planning Consent (KL/W/86/72A) was granted on 21 October 1988 for the external recladding of the existing garage.

***Noted.***

6.5 Full planning consent (KL/W/FL/86/072B) was granted on 30 May 1994 for the erection of detached dwellinghouse and detached garage.

***This consent has never been implemented on the site. The present proposal is to be sited in the same location as the above dwellinghouse and garage.***

## **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 at paragraph 5.2 it is considered that the application is in accordance with the development plan. Therefore given the terms of Section 25 and Section 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 other material considerations relevant to this application as detailed in Section 6 of the report. Taking the material considerations together it is considered that a departure from the policies of the East Ayrshire Local Plan can be justified in this instance due to the history of a haulage use on this site. The design of the garage is in keeping with the existing garage and surrounding area. The garage is to be sited at a lower level than the adjacent residential properties. The location of the garage will not have an adverse impact on the adjacent residential properties. Concerns have been raised by Crosshouse Community Council regarding the use of the existing access from Kilmarnock Road in terms of road safety and traffic congestion. These concerns have not been echoed by the Roads Division.

## **9. RECOMMENDATION**

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

Alan Neish  
Head of Planning and Building Control

22 May 2001 (PC/MS/IMB)  
(FV/DVM)

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Adopted Ayrshire Joint Structure Plan.
7. Planning Consent No: KL/W/86/72A & KL/W/86/72B.

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

***Implementation Officer: Dave Morris***

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0234/FL

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Location: 11 Kilmarnock Road  
CROSSHOUSE KA2 0EZ

Nature of Proposal: Proposed Erection of Garage

Name & Address of Applicant: Mrs Jane Anne Dickson  
Kilmaurs Freight Services  
CROSSHOUSE  
KA2 0EZ

Name & Address of Agent:

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DPO's Ref: (Pamela Clifford)  
PPO's Ref: ( )

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

1. Notwithstanding the submitted plans, the blockwork, corrugated roof sheeting and profiled metal sheeting are not hereby approved. Details/samples of brickwork, corrugated roof sheeting and profiled metal sheeting shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interest of visual 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**