

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 22 AUGUST 2003

**03/0579/FL: PROPOSED ERECTION OF WAREHOUSE WITH TRADE
COUNTER
SOUTHHOOK ROAD, KILMARNOCK
BY SIPP PLC**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought to erect a warehouse building with a trade counter. The building will be 450 square metres in area and will provide storage space for upvc material for Ayrshire Agencies which are already located in the industrial estate and a small trade counter. The external materials of the proposed building will comprise of facing brick and profile metal cladding. Five delivery and dispatch per day are proposed with 10 trade customer vehicles per day. Ten car parking spaces are proposed within the site. The site will be enclosed by 2 metres high chain link fence.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is considered to be in accordance with the Development 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 indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application. The consultation process has not raised any adverse comments. With regard to the concerns of the objectors, it is not considered that the proposed development will adversely affect the residential or visual amenity of the area. It is considered to be appropriate form of development in an industrial area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application will require to be referred to the Development Services Committee as it would constitute a significant departure from 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

CENTRAL LOCAL PLANNING COMMITTEE: 22 AUGUST 2003

**03/0579/FL: PROPOSED ERECTION OF WAREHOUSE WITH TRADE
COUNTER
SOUTHHOOK ROAD, KILMARNOCK
BY SIPP PLC**

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 is the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 0.25 hectares in area and is part of an overgrown agricultural land. It is sited towards the rear of Southhook Industrial Estate. It is surrounded to the north and west by overgrown agricultural land to the south by residential properties on Sannox Road and to the east by industrial/commercial units and Southhook Road.

2.2 **Proposed Development:** Full planning consent is sought to erect a warehouse building with a trade counter. The building will be 450 square metres in area and will provide storage space for upvc material for Ayrshire Agencies which are already located in the industrial estate and a small trade counter. The external materials of the proposed building will comprise of facing brick and profile metal cladding. Five delivery and dispatch per day are proposed with 10 trade customer vehicles per day. Ten car parking spaces are proposed within the site. The site will be enclosed by 2 metres high chain link fence.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division, Powersystems, Transco, the Coal Authority, East Ayrshire Council's Environmental Health and Waste Management and Scottish Water have no adverse comments to make regarding the proposed development.

Noted.

3.2 Scottish Environment Protection Agency have no objection provided the surface water from the site is treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual.

The requirements of SEPA can be addressed by attaching a condition and notes to any grant of planning consent.

3.3 East Ayrshire Economic Development Division and Bonnyton Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There are three objectors to the proposed development and their grounds of objection are as follows:-

4.2 There is no indication that the proposed area is going to be enclosed (fenced). There is a potential opportunity for unlimited access to the area at the rear of their garden. There is a very big security risk to their property, access to their garden will almost be unrestricted. The risk of having to access a warehouse forecourt to retrieve a ball is very dangerous and a potential risk.

The application site will be enclosed by the existing fence on the eastern boundary and a new 2 metre high chain link fence on the other three boundaries. This will prevent unauthorised access to the site.

4.3 People come along the cycle path and use the development site as a shortcut .

Unauthorised access to the site is a matter which would be addressed by the occupier of the unit.

4.4 The proposed development will add to the already noisy area to the rear of their property. The incoming flow of traffic/deliveries will only make this worse.

The proposed development is to be sited in an industrial area and it is not envisaged that the proposed use will have a detrimental impact on adjacent properties in terms of noise and disturbance.

4.5 The proposed development will have a detrimental effect on the value of their property. A large warehouse will overshadow the outlook to the rear of their property with excess noise on a daily basis. The general view especially in

the winter (trees will have shed their leaves will be restricted by a concrete development).

The impact of the development on the value of adjacent property and the right to a view are not material planning considerations. It is not considered that the proposed development will have an adverse impact on the visual amenity of the area.

4.6 The privacy and security of properties concerned will be exploited with this development. The development will increase the opportunities for crime.

The application site is to be surrounded by 2 metre high chain link fence, which will provide security for the proposed development. It is not envisaged that the proposed development will adversely affect the security and privacy of adjacent properties.

4.7 The residents of the area will most definitely be subjected to an increase in unwanted guests, ie seagulls. The warehouse will provide ideal nesting for them in the future and residents will be subject to their swooping during the breeding season.

It is not envisaged that the proposed development will increase the number of seagulls in the area.

4.8 Health and Safety issues especially with fire risk, waste disposal affecting the adjacent property. Excavation of the site with risks of noise, dirt/dusk and vermin.

It is not envisaged that the proposed development will have an adverse effect on the adjacent residential properties in terms of noise, dirt/dust and vermin or raise any adverse issues in terms of fire risk or waste disposal.

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 and the Adopted East Ayrshire Local Plan (EALP).

5.2 The relevant policy in the EALP is Policy IND4 which identifies encourages and supports business, industrial and storage and distribution uses. The proposed development is fully compliant with the EALP.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant in the determination of this application are the consultation responses and the representations which are detailed in Sections 3 and 4 of the report.

Consultation Responses and Letters of Representation

6.2 It is not considered that the consultation responses and representations received raise any issues that would warrant refusal of this application.

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 Section 5 of the report the application is considered to be in accordance with the Development 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 indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application. The consultation process has not raised any adverse comments. With regard to the concerns of the objectors, it is not considered that the proposed development will adversely affect the residential or visual amenity of the area. It is considered to be appropriate form of development in an industrial area.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application will

require to be referred to the Development Services Committee as it would constitute a significant departure from policy.

Alan Neish
Head of Planning and Building Control

13 August 2003
(PC/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

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

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0579/FL

Site of Proposal:	Southhook Road KILMARNOCK
Nature of Proposal:	Proposed Erection of Warehouse with Trade Counter
Name & Address of Applicant:	@ SIPP plc Southhook Road KILMARNOCK KA1 2NN
Name & Address of Agent:	J A C Clunie Ogle Park LOCHEARNHEAD FK19 8PR

DPOs Reference: PC/MMM

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

1. Notwithstanding the submitted plans, the facing brick, profile sheeting are not hereby approved. Details/samples of facing brick, profile sheeting shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

2. Notwithstanding the submitted plans a 2 metre high chain link fence shall be erected along the southern and northern boundaries of the site, details of its design and exact location shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site prior to the occupation of the industrial unit.

REASON In order to secure the site in the interests of residential amenity.

3. 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 only allows for the trade counter insofar as this is ancillary to the main use of the premises as a warehouse.

REASON To enable the Planning Authority to retain control over the use of the site in order to protect the local planning policies of the East Ayrshire Local Plan.

4. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation, shall be submitted to and approved by the Planning Authority in writing. The Sustainable Urban Drainage System shall thereafter be installed on site prior to the use of the warehouse.

REASON To ensure that adequate drainage is provided.

NOTES:

1. The developer shall make early contact with the Scottish Environment Protection Agency and Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained I the CIRIA manual on SUDS.
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

**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.**