

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 06 FEBRUARY 2004**

**03/1047/FL: PROPOSED SITING OF STORAGE CONTAINER  
AT SPAR BONNYTON, 25 MUNRO AVENUE, KILMARNOCK  
BY A J GILLESPIE**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning consent is sought for the siting of one storage container adjacent to the frontage of the Spar Convenience Store. This is a retrospective application as the container has already been erected on site. The main purpose of the container is for the storage of morning rolls and newspapers which are delivered when the shop is closed. These goods are delivered on a daily basis at 06:00 am, 7 days a week. The storage container is of metal construction coloured black and is 1.5 metres in length by 1 metre in width and 0.6 metres in height. It occupies an area of 1 metre.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As is indicated at Section 5 of the report, there are no applicable policies in the Adopted East Ayrshire Local Plan and therefore greater weight should be attached to the other material considerations.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application. The consultation responses received present no adverse comments regarding the proposed development. With regard to the concerns of the objector, these have not been echoed by the Roads Division or Strathclyde Police. Use of the storage container during early morning hours and maintenance concerns can be addressed by attaching conditions to any grant of planning consent. It is considered that the siting and design of the storage container will not have a significant detrimental impact on the amenity of neighbouring properties or on the use of pavement in front of the shops.

## **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 not require to be referred to the Development Services Committee because there would be no significant breach of 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.**

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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 is subject to an objection.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the Spar Convenience Shop and part of the front curtilage between the shop frontage and British Telecom telephone booth. This area forms part of the pavement frontage. The building in which the Spar is located is 2-storey in height with a residential property on the first floor, the other half of the building on the ground floor is occupied by a dry cleaners. The site is surrounded to the south by residential properties, to the north by dry cleaners, to the west by Munro Avenue and residential properties and to the east by the rear gardens of flatted properties on Bonnyton Road.

2.2 **Proposed Development:** Full planning consent is sought for the siting of one storage container adjacent to the frontage of the Spar Convenience Store. This is a retrospective application as the container has already been erected on site. The main purpose of the container is for the storage of morning rolls and newspapers which are delivered when the shop is closed. These goods are delivered on a daily basis at 06:00 am, 7 days a week. The storage container is of metal construction coloured black and is 1.5 metres in length by 1 metre in width and 0.6 metres in height. It occupies an area of 1 metre.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections to the siting of the storage container.

***Noted.***

3.2 East Ayrshire Council's Environmental Health and Waste Management have no objections provided the storage container is pest proof and easily cleaned.

***Noted.***

3.3 Transco have no adverse comments to make regarding the proposed development.

***Noted.***

3.4 The Coal Authority and Bonnyton Community Council have not replied to their consultation letters at the time of writing this report.

***Noted.***

3.5 Strathclyde Police have advised that since one of the storage containers has been removed, they are no longer of the opinion that there is a significant risk to the security of the upper flat located above the Spar shop as the presence of a single storage box does not increase the opportunity to gain access to the flat.

***Noted.***

#### **4. REPRESENTATIONS**

There is one objector to the proposed development and the grounds of objection are as follows:-

4.1 The situation of this container is such that it has the potential to create a climbing frame at the front of their property enabling easy access for any potential burglar to the front windows of their first floor property. The Community Safety Department of Strathclyde Police have backed their concerns.

***Strathclyde Police have been consulted on this revised application and have no objections to the siting of one storage container from the point of view of the security of the first floor residential property.***

4.2 The position of the container creates a road hazard as it restricts the view of vehicle egress from the road next to the Spar onto the busy main road.

***The Roads Division have offered no objections to the proposed development. The storage container is sited between 2-storey building and telephone booth. It is not considered that its siting or***

**height reduces the visibility available to drivers accessing the adjacent road.**

4.3 The siting of this container creates a considerable noise nuisance. The container is used by delivery vans between the hours of 02.00 am and 07:00 am to store merchandise such as newspapers and bakery produce prior to the shop opening. The vans leave their engines running and doors open sometimes with music blaring. As all their bedrooms are to the front of the house the whole family is often disturbed in the early hours of the morning particularly if windows are left open for ventilation during the warmer weather.

**The Spar shop has extended opening hours trading from 07:00 am in the morning to 10:00 pm Monday to Saturday and 08:00 am to 10:00 pm on a Sunday. The shop could open earlier in the morning without the need for planning consent. A condition restricting delivery hours would be to the benefit of adjacent residential properties.**

4.4 The container already has an element of graffiti scrawled and scratched on the surface. This is resulting in the steel container starting to rust and it is becoming a real eyesore. This would have a detrimental effect on the value of their property if and when they decide to put it on the market.

**The storage container is of metal construction and coloured black; its siting and appearance do not have an adverse impact on the surrounding area. With regard to the container starting to rust and the presence of graffiti this is a maintenance issue for the applicant. A condition could be attached to ensure that the storage container is maintained to the satisfaction of the Planning Authority. Impact of the development on the value of adjacent properties is not a material planning consideration.**

4.5 If this application is approved, it sets a precedent enabling any shop owner or householder to erect a container on the main thoroughfare in front of their property. Surely this is a contravention of the Adopted East Ayrshire Local Plan as this is primarily a residential area of the town.

**Each application is assessed on its own merits and any future applications for storage containers would be assessed on their particular location, siting, design and impact on the visual and residential amenity of the area. There are no relevant policies in the Adopted East Ayrshire Local Plan regarding storage containers and therefore greater weight is attached to other material considerations such as the consultation replies, letters of representation, impact on the adjacent area.**

## **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 There are no specific relevant policies in the EALP and therefore greater weight should be attached to the other material considerations addressed in Section 6 of the report.

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

6.1 The principal material considerations relevant to the determination of the application are the consultation replies detailed in Section 3 of the report, the letter of objection detailed in Section 4 of the report, the planning history of the site and impact on the adjacent area.

### Consultation Replies and Letter of Representation

6.2 It is not considered that any aspects of the consultation replies or the letter of objection received indicate that the application should be refused. The concerns of the objector have not been echoed by the Roads Division or Strathclyde Police. The use of the storage container can be controlled by restricting the hours in which goods are delivered to the storage container.

### Planning History

6.3 03/0373/FL: Proposed Siting of Storage Containers - This application involved the siting of two storage containers stacked one on top of each other in the same location as the present application under consideration. This application was withdrawn by the applicant following consultation with the Planning Authority.

### Impact on the Adjacent Area

6.4 It is considered that the proposed siting of the container will not have an adverse impact on the amenity of the area. Its siting between the frontage of the shop and telephone booth and bound on one side by a boundary wall, results in it not being sited on the main thoroughfare and therefore it is considered acceptable in this instance. The siting and design of the storage container will not be visually intrusive in the immediate area.

## **7. FINANCIAL AND LEGAL IMPLICATIONS.**

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications would arise if the application is refused as enforcement action would be instigated to seek the removal of the storage container. In addition, the Council's interest in the land (the footpath) and the presence of an objection has been considered not to merit notification of the application to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 1996.

## **8. CONCLUSIONS**

8.1 As is indicated at Section 5 of the report, there are no applicable policies in the Adopted East Ayrshire Local Plan and therefore greater weight should be attached to the other material considerations.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application. The consultation responses received present no adverse comments regarding the proposed development. With regard to the concerns of the objector, these have not been echoed by the Roads Division or Strathclyde Police. Use of the storage container during early morning hours and maintenance concerns can be addressed by attaching conditions to any grant of planning consent. It is considered that the siting and design of the storage container will not have a significant detrimental impact on the amenity of neighbouring properties or on the use of pavement in front of the shops.

## **9. RECOMMENDATION**

**9.1 The application should be approved subject to the 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 and Building Control the application will not require to be referred to the Development Services Committee because there would be no significant breach of policy.

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

28 January 2004  
(PC/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Planning Application No: 03/0373/FL.

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

***Implementation Officer: Dave Morris***

031047FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/1047/FL

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Location: Spar Bonnyton SPSO  
25 Munro Avenue  
KILMARNOCK

Nature of Proposal: Proposed Siting of Storage Container

Name and Address of Applicant: A J Gillespie  
11 Boswell Park  
AYR

Name and Address of Agent: ARCTEC Designs  
23 Dallas Place  
TROON  
KA10 6JE

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DPOs Reference: PC/MMM

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

1. No deliveries shall take place to the storage container between the hours of 23:00 and 06:00 am Monday to Sunday.

REASON In the interests of residential amenity in terms of noise and disturbance.

2. The storage container shall be maintained in a neat and tidy condition at all times.

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

**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.**