

## **EAST AYRSHIRE COUNCIL**

### **DEVELOPMENT SERVICES COMMITTEE - 1 AUGUST 2000**

#### **DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 16 JUNE 2000 RELATING TO PLANNING APPLICATION NO 00/0257/FL: PROPOSED USE OF EXISTING GARAGE FOR COMMERCIAL PURPOSES (REPAIR VEHICLES) AT LANOCHSYDE, WHITEHILL FARM, OCHILTREE**

#### **Report by the Depute Chief Executive/Director of Corporate Resources**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 16 June 2000 regarding the above planning application.

#### **2. BACKGROUND**

- 2.1 The Southern Local Planning Committee on 16 June 2000 considered a report dated 7 June 2000 (attached as an Appendix) by the Head of Planning and Building Control and agreed, that given the location and with satisfactory conditions regarding hours of operation and noise nuisance and a Section 75 Legal Agreement regarding sightline requirements, the business could operate without detriment to road safety and nearby householders, and in view of the scale of the operation there would be limited precedent set for other proposals, to refer the application to the Development Services Committee for determination, with a recommendation for approval, appropriate conditions to be recommended by the Head of Planning and Building Control.

- 2.2 No objections were submitted in respect of this application. Therefore there is no requirement for a Hearing.

#### **3. FINANCIAL/LEGAL IMPLICATIONS - Nil.**

#### **4. POLICY IMPLICATIONS**

- 4.1 The Committee are referred to the report dated 7 June 2000 by the Head of Planning and Building Control, attached as an Appendix to this report.

**5. RECOMMENDATION**

- 5.1** It is recommended that this Committee consider the planning application with reference to the Head of Planning and Building Control's report dated 7 June 2000 and with consideration to the recommendation by the Southern Local Planning Committee as detailed in Paragraph 2.1 above.

Fiona Lees  
Depute Chief Executive/Director of Corporate Resources

21 July 2000

AH/SR

**LIST OF BACKGROUND PAPERS**

**NIL**

***Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576153.***

**EAST AYRSHIRE COUNCIL****SOUTHERN LOCAL PLANNING COMMITTEE : 16 JUNE 2000****00/0257/FL : PROPOSED USE OF EXISTING GARAGE FOR  
COMMERCIAL PURPOSES (REPAIR VEHICLES) AT  
LANOCHSYDE, WHITEHILL FARM, OCHILTREE  
APPLICATION BY MR T GRAHAM****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 planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is recommended for refusal.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site lies on the east side of the B7046 Drongan-Sinclairston Road.

2.2 The site extends to approximately 0.16 hectares and includes the existing dwellinghouse and garage at this location. The site is bounded to the north, west and south by agricultural land and to the east by the B7046 and agricultural land. The existing garage is 84.7 square metres and measures 5.8 metres in height. The nearest dwellinghouse lies approximately 260 metres to the north of the site.

2.3 **Proposed Development:** Retrospective planning permission is sought for the use of the existing garage for commercial purposes; for the repair of motor vehicles. The applicant has indicated that the number of vehicles being repaired at any one time on a daily basis would not be more than 5 vehicles. This does not include the applicant's own transport of one van and car. The garage will operate from 9.00am – 6.00pm Monday to Friday, and 8.00am – 4.00pm on a Saturday.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 Drongan Community Council have not responded to the consultation letter.

***Noted.***

3.2 The Scottish Environment Protection Agency advise that there are no objections in principle to the proposed development, provided the drainage arrangements are to their satisfaction. In this regard, any foul drainage from the development must be connected to the existing septic tank serving the property. Clean surface water may be discharged directly to the nearest watercourse.

***A note could be attached to any planning consent advising the applicant to contact the Scottish Environment Protection Agency to discuss drainage arrangements.***

3.2.1 All oil storage tanks, drums, etc must be contained in a bund which is 110% greater in volume than the tank and containers situated within.

***A condition could be attached to any planning consent requiring oil storage tanks to be stored within a bund, and requiring details of the bund to be submitted to the Planning Authority for approval.***

3.3 West of Scotland Water have no adverse comments to make regarding the application.

***Noted.***

3.4 East Ayrshire Council Roads and Transportation Division have no objections subject to a Section 75 Legal Agreement and conditions.

3.4.1 Visibility requirements have increased (due to increased traffic speeds and volumes). Visibility sightline splay areas of 2.5 metres by 160 metres will require to be formed and maintained at the access, with no obstruction greater than 1 metre in height allowed within these areas. These visibility splays encroach on land outwith the applicant's control and a legal agreement with adjacent landowners would be required.

***In order to achieve the required visibilities, a legal agreement would have to be entered into with the adjacent landowner, to ensure that no obstruction greater than 1 metre height is formed within these areas. If the application is granted, then the decision notice should be withheld until a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997, has been concluded by the Solicitor to the Council with the applicants and the neighbouring proprietor.***

3.4.2 Other conditions recommended by the Roads and Transportation Division are regarding the upgrading of the access, the protection of the roadside ditch, the widening and kerbing of the B7046, across the site frontage, parking provision and the formation of a pedestrian refuge/verge.

***The requirements of the Roads Division can be met by attaching conditions to the planning consent if granted.***

3.5 East Ayrshire Council Department of Community Services Environmental Health and Waste Management Division advise that they have no objection in principle to the proposals, subject to use of the business not resulting in any nuisance to any nearby householders. In this context, although the premises are in a rural location there are some other residential properties in the vicinity. So long as the work activities are satisfactorily controlled, I would consider that the business should not cause any significant problems to these premises.

***Noted***

#### **4. REPRESENTATIONS**

4.1 There are no representations.

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

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site lies within the Rural Protection Area. The site is affected by business and industry and residential policies.

***The proposed development does not conflict with the provisions of residential policies appropriate to the application site.***

5.2 Business and Industry Policy IND10 states that the Council will encourage sympathetic industry and business developments associated with the traditional rural activities of agriculture and forestry, together with other appropriate activities such as craft industries and leisure, recreation and tourism developments, subject to the proposal being justified against the following criteria.

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

***The proposed development does not fall within the category of agriculture and forestry, and it is considered that a car repair business would have a detrimental effect on the rural environment. The applicant has advised that the number of repair vehicles on site shall not exceed five. It has been noted however, by the Planning Officer, that there has been significantly more vehicles than this on site. A condition could be attached to any planning consent restricting the number of vehicles on site. It is considered however, that the increased activity on site would be detrimental to the rural character of the countryside. The operation of a vehicle repair business within the countryside is not compatible with surrounding uses and is considered to be an unsympathetic activity within a rural area. Furthermore, it is***

***considered that the primary use of the site would no longer be residential. The proposed development is therefore contrary to the provisions of this policy.***

- (ii) transportation and infrastructure implications;

***See Section 3.4.***

- (iii) loss of prime quality agricultural land;

***It is proposed to operate the business within the curtilage of an existing dwelling. The proposed development would not therefore result in the loss of prime quality agricultural land.***

- (iv) impact on national and built heritage resources;

***The proposed development would not have a detrimental impact on national and built heritage resources.***

5.3 In terms of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the proposed development is affected by General Industrial Policy IND7 which states that priority for industrial development will be given to those industries specifically related to agriculture and forestry and other industries which, in the opinion of the planning authority, are of benefit to the rural economy of the local plan area. Craft industries and other industries will be encouraged particularly where these involve the re-use/rehabilitation of redundant buildings, unless the planning authority consider that these would have a detrimental effect on the rural character or ecology of the area.

***The development is not related to agriculture and it is considered that it would have a detrimental impact on the rural character of the area. The proposal does not involve the re-use/rehabilitation of redundant buildings. The proposal is therefore contrary to the provisions of this policy and the Adopted Local Plan.***

## **6. OTHER PLANNING CONSIDERATIONS**

6.1 Planning permission for the erection of the garage within the site was approved on May 1996 (Ref No. CD/96/0020/DPP). At this time, the applicant stated that the garage was required for the storage and maintenance for a sailing boat. Condition No. 4 of the above consent states that the garage shall be used for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for commercial purposes.

6.2 If the Committee are minded to approve this application, then it would require to be submitted for determination by the Development Services Committee under the scheme of delegation, as it does constitute a significant departure from the development plan.

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

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise in the promotion of a Section 75 Agreement to secure control over the required visibility splays. If the application is refused, legal implications may arise from any enforcement action that is initiated against the owner of the property.

## **8. CONCLUSIONS**

8.1 In terms of policy, the proposed development is contrary to the provisions of the East Ayrshire Local Plan, Finalised Version and the Adopted Mauchline-Drongan-Ochiltree Local Plan.

8.2 The proposed development is not related to a particular rural activity nor does it require a rural location. It is considered that the proposal would be harmful to the rural environment and would set a precedent for similar uses within rural areas.

8.3 There are no consultee or other objections to the proposed development.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused on the grounds listed on the attached sheet.**

Alan Neish  
Head of Planning and Building Control  
VE/SMB  
07 June 2000  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.

4. East Ayrshire Local Plan, Finalised Version.
5. Mauchline-Drongan-Ochiltree Local Plan.
6. Planning Application No. CD/96/0020/DPP

Anyone wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1972

**Implementation Officer : Pamela Clifford**

Application no: 00/0257/FL

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Location	Lanochsyde Whitehill Farm, OCHILTREE KA18 2RS
Nature of Proposal:	Proposed erection of commercial garage – repair vehicles
Name and Address of Applicant:	Mr Thomas Graham Whitehill Farm, OCHILTREE KA18 2RS
Name and Address of Agent	

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DPO's Ref: [ VIVIEN EMERY ]  
PPO's Ref; [ ]

The above **FULL** application should be refused on the following grounds..

- (1) The proposed development is not a sympathetic business development associated with rural activities and would therefore not be in accordance with Policy IND10 of the East Ayrshire Local Plan, Finalised Version.

- (2) The proposed development is not specifically related to a rural activity and would therefore not be in accordance with Policy IND7 of the Adopted Mauchline-Drongan-Ochiltree Local Plan.
- (3) The proposed development would set an undesirable precedent for the operation of similar uses within the countryside, to the general detriment of the rural environment.

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**AGENDA**