

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE : 5 JUNE 2001
00/0339/FL : CHANGE OF USE OF EXISTING GARAGE TO LIGHT INDUSTRIAL
UNIT AND PROPOSED EXTENSION AT GLENAMMER COTTAGE, DALRYMPLE**

APPLICATION BY GLENAMMER ENGINEERING LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Permission is sought for a change of use of an existing garage located within the curtilage of the cottage to form a light industrial unit for the assembly of metal sieves. The proposal also includes the erection of a small extension to the rear of the existing garage to provide additional workshop accommodation.

1.2 The existing garage premises provides some 34 square metres of floor space and the proposed extension will increase this area by a further 20 square metres. The proposed extension will have a lean-to roof and painted blockwork to match the existing garage. The application is partly retrospective as the proposed use is already undertaken within the existing garage. No works have been implemented in terms of the proposed extension.

1.3 The activities currently provide employment for the applicant and his wife. The applicant has advised that with the proposed extension, he hopes to employ a third person. The sieves are distributed throughout the world. In terms of vehicular activity, one delivery van will uplift and deliver material on a daily basis.

2. RECOMMENDATION

2.1 The application should be refused for the reasons indicated on the enclosed sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated at paragraph 5.2 above, the proposed development is considered to be contrary to 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 refused unless material considerations indicate otherwise. As indicated in section 6 above, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Dalmellington/ Patna/ Dalrymple Local Plan, the Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications), (EALP) should be considered as a prime material consideration. In this regard, the proposed development is also contrary to the policy provisions of the

EALP. The proposal involves the assembly of sieves which is an industrial use which does not have a specific locational requirement to be sited in the countryside. There are alternative industrial premises in the area which could accommodate this industrial use. The proposal will however bring economic benefit to the area by providing employment for 3 people.

3.3 The Roads and Transportation Division have recommended refusal of the application as the existing access has very poor visibilities. Discussions have taken place between the applicant and the Roads Division regarding an alternative access to the west of the existing access. The applicant believes that the provision of a new access cannot be justified at this time. The applicant has indicated that he would be willing to accept a conditional planning consent that prior to any further expansion or increase in employee numbers beyond those stated on the application, a new access would be provided as suggested, to the west of the site. The Roads Division believes that the proposed condition is unacceptable and would still maintain their objection in terms of road safety based on the application under determination.

3.4 The points of objection are based mainly on the grounds that the proposed development is contrary to policy and it is accepted that the proposals contravene Policies IND6 and IND 10 of the EALP. Furthermore it is accepted that the existing access to the development site is considered to be sub-standard and approval of the proposed development would have an adverse impact on road safety. With regard to potential impact on amenity and the rural environment, it is not considered that the proposed development would result in any significant adverse impacts on adjacent properties or on the visual or general amenity of the rural environment, given the scale of the proposed development.

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 Director of Development Services

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 Development Services Committee under the scheme of delegation given the history of this application, as the proposal is contrary to policy and it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the south side of the B7034 Hollybush – Dalrymple Road, immediately west of Glenammer Bridge. The application site comprises the existing cottage at Glenammer, its outbuildings and its curtilage. The site is bounded by agricultural land to the west, by the B7034 road and agricultural land to the north and by the Primpton Burn and agricultural land to the south. The site measures 0.177 hectare in area.

2.2 **Proposed Development:** Permission is sought for a change of use of an existing garage located within the curtilage of the cottage to form a light industrial unit for the assembly of metal sieves. The proposal also includes the erection of a small extension to the rear of the existing garage to provide additional workshop accommodation.

2.3 The existing garage premises provides some 34 square metres of floor space and the proposed extension will increase this area by a further 20 square metres. The proposed extension will have a lean-to roof and painted blockwork to match the existing garage. The application is partly retrospective as the proposed use is already undertaken within the existing garage. No works have been implemented in terms of the proposed extension.

2.4 The activities currently provide employment for the applicant and his wife. The applicant has advised that with the proposed extension, he hopes to employ a third person. The sieves are distributed throughout the world. In terms of vehicular activity, one delivery van will uplift and deliver material on a daily basis.

2.5 **Application History:** The present application under consideration was first submitted for consideration on 2 May 2000. During the course of determination of the proposals, the applicant submitted a separate application for a Certificate of

Lawfulness for the Existing Use of the garage premises at Glenammer Cottage for light industrial purposes (Ref. No. 00/0604/LD).

2.6 As a consequence of this, the planning application was amended by the applicant to exclude the reference to the change of use in the development description. The planning application therefore related to the erection of the proposed extension to a light industrial unit. However during the processing of the application for the Certificate of Lawfulness of Existing Use, it became apparent that the applicant was having difficulty obtaining sufficient documentary evidence to support the claim that the use of the garage for light industrial purposes had existed for a period in excess of 10 years. In these circumstances, it was considered that the application could not be supported.

2.7 The planning application was therefore amended back to its original format seeking the change of use of the garage to a light industrial use and proposed extension. The application was then presented to the Southern Local Planning Committee at its meeting on 6 October 2000 with the recommendation that it be refused on the grounds of being contrary to policy. The Southern Local Planning Committee agreed to approve the application but as the decision represented a significant departure from policy, the application required to be referred to the Development Services Committee for consideration.

2.8 The application for the Certificate of Lawfulness of Existing Use was presented to the Development Services Committee at its meeting on 24 October 2000 at which time the Committee agreed to approve the application contrary to the officer recommendation to refuse. As a consequence of the granting of the Certificate of Lawfulness of Existing Use, the proposed change of use sought as part of the planning application was no longer relevant. Therefore, the planning application was amended to delete reference to the change of use.

2.9 The Committee's decision to approve the Certificate of Lawfulness of Existing Use was subsequently the subject of a successful challenge by Judicial Review. On 21 February 2001. An interlocutor was awarded declaring the decision of the Committee to be unlawful, and thereby rendering void the Certificate of Lawfulness of Existing Use. The decision of the Court of Session effectively referred the application back to the Council for re-determination however prior to this the application was withdrawn by the applicant.

2.10 Following the Judicial Review decision the applicant formally amended the application seeking the change of use of the existing garage to a light industrial unit and proposed extension to it. The application was re-advertised under statutory publicity procedures, re-notification of neighbouring properties was undertaken and the application was the subject of fresh consultation with statutory and non-statutory consultees. The objector was also notified of the amended application.

2.11 Members should note that this report differs in its presentation from the report originally presented to the Southern Local Planning Committee in that the new report format has been utilised. In addition, the proposed development has been assessed against the policies of the East Ayrshire Local Plan (Finalised Version with Modifications) 2001, the most up to date version of the East Ayrshire Local Plan.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has recommended refusal of the application on road safety grounds. The applicant has had discussions with the Roads Division and has been informed that in view of the extremely poor existing visibilities at the access onto the B7036 public road any intensification of use would be resisted. Visibilities could be improved by the removal of hedging to the left hand side on exit from the access, but would be still extremely poor for this class of road.

The applicant has discussed the proposal to provide a new access located to the west of the existing access. However, the applicant believes that the frequency of vehicle traffic to deliver/uplift goods is such that the provision of a totally new access cannot be justified at this time. The applicant accepts that the present access is not perfect, however he believes that the volume and frequency of traffic is such that manual directions/control can be given at the locus to ensure that safety of egress is maintained. The applicant believes that egress is the main problem and contends that manual guidance and control can address safety issues. The applicant has suggested a condition that prior to any further expansion or increase in employee numbers beyond that already stated on the application, a new access would be provided as suggested to the west of the existing access.

3.2 West of Scotland Water has commented that there is water apparatus within the development site which may be affected by this application and contact should be made to discuss what measures are to be taken to safeguard their apparatus.

A note could be attached to any planning consent granted to advise the applicant to make early contact with West of Scotland Water.

3.3 The Scottish Environment Protection Agency has no objections provided drainage arrangements are to its satisfaction. In this regard the septic tank serving the development must meet with the requirements of the current code of practice BS6297:1983. Surface water should be kept separate from the foul drainage. SEPA's consent CD13430 has already been granted for the discharge of sewage effluent from the septic tank serving Glenammer Cottage.

A note could be attached to any planning consent granted to advise the applicant to make early contact with the Scottish Environment Protection Agency.

3.4 The Coal Authority, British Telecom and Scottish Power have no adverse comments to make regarding the proposed development.

Noted.

3.5 British Gas Transco has commented that mechanical excavation shall not be carried out within 500mm of Transco Plant and a site visit is likely to be required prior to the commencement of works.

A note could be attached to any planning consent granted to advise the applicant to make early contact with British Gas Transco to arrange a site visit.

3.6 East Ayrshire Council Economic Development Division notes that the employment level will increase by one new employee. The development of a small manufacturing business in Dalrymple is to be welcomed and if the proposed development does not conflict with any planning policies or raise specific issues then it is hoped that the application is approved.

The comments of the Economic Development Division are noted although the business is not located in Dalrymple itself.

3.7 East Ayrshire Council's Environmental Health Division has no adverse comments to make on the development, but that there may be ongoing health and safety enforcement interest in the premises.

Noted.

3.8 Dalrymple Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 One valid objection (comprising two letters) has been received in respect of the proposed development. East Ayrshire Council's Roads and Transportation Division has also recommended refusal of the application as indicated in section 3.1 above. The points of objection are summarised below.

4.2 The Ayrshire Joint Structure Plan contains the guiding principle of protecting the countryside for its own sake and this is seen as being vitally important for the economic and social well-being of the area. While the implementation of this policy is to be furthered in local plans the thrust is clear from policies G4, G5 and G6 which in turn presume against encroachment of development into the Ayr countryside and normally limit development proposals to the use of land within settlements.

The East Ayrshire Local Plan (Finalised Version with Modifications (2001) has been prepared within the policy framework of the approved Ayrshire Joint Structure Plan. The proposed development will be assessed against the policies of the EALP as part of the material considerations associated with this application (see section 6 of this report).

4.3 The application site lies in open countryside being some distance from the settlement boundary of Dalrymple and the proposed development is isolated development in the countryside and it is not an appropriate rural use.

The appropriateness of this use in a rural area is assessed against policy in sections 5 and 6 of this report.

4.4 The site falls within a “sensitive landscape area” as promoted by environmental policies. Policies ENV11 and ENV12 of the East Ayrshire Local Plan are intended to preserve and enhance the environment, thus the application is inappropriate. Policy E2 of the approved structure plan states that the protection and enhancement of the landscape shall be given prime consideration in the determination of development proposals.

The proposal involves the change of use of an existing garage and a proposed extension to it. It is considered that the proposed development will not have any significant adverse impact on the rural environment in terms of visual amenity or natural heritage resources. Assessment of the proposed development against Policies ENV11 and ENV12 of the EALP is made in section 6 of the report.

4.5 Policy ENV19.1 requires any application to be considered having regard to possible adverse effect on water courses by potential increase in levels of pollution or the detrimental impact on water quality, aquatic habitats for wildlife etc. The proposal shows a 100mm rainwater drain running from the proposed workshop extension to Primpton Burn, plus additional foul drainage to the existing septic tank run off from which discharges into Primpton Burn. The net effect is to increase the speed of surface run off and the quantity of albeit treated, foul water into the burn.

Both the Scottish Environment Protection Agency and West of Scotland Water Authority have no objections to the proposed development provided drainage arrangements are to their satisfaction. Given the limited increase in the size of the proposed extension to the garage, it is not considered that this would significantly increase the speed of surface water run-off from the application site.

4.6 The area is not recorded in the industrial site classifications being Paragraphs 3.5 and 3.6 of the Local Plan and thus falls to be considered in terms of Policies IND6 and IND7.

- a) no evidence of locational need;
- b) the former water works site in Dalrymple which is listed as a potential development site is available within close proximity of the proposed site;
- c) no case has been made to justify the proposal on economic grounds;
- d) the change of use and in particular the proposed extension will have an adverse impact on the surrounding environment;

- e) there is no regular public transport available nor is there an adjacent bus stop;
- f) there will be loss of public amenity;
- g) there will be loss of prime agricultural land thus not relevant;
- h) the proposal will impact on the environment, but not on natural heritage resources.

The proposal is located in a sensitive landscape area, and it is not zoned for industrial use. Assessment against the policies of the EALP is considered in Section 6 of this report.

4.7 With regard to the proposal to extend the premises, the foregoing comments apply with regard to Policy IND7.

Assessment against the policies of the EALP is considered in Section 6 of this report.

4.8 The proposal does not conform to Policy SD3:-

- a) the proposal is not residential development as detailed in Policy RES13;
- b) the proposal cannot be justified in terms of site specific locational need, as there is a site which is potentially available in Dalrymple;
- c) there is no justification that the site is required in terms of social and economic benefit to the community;
- d) the site/proposal does not contribute to the rural land diversification;
- e) the site/proposal does not provide for operational needs of agriculture or forestry.

Assessment against the policies of the EALP is considered in Section 6 of this report.

4.9 The proposal is in breach of the Ayrshire Joint Structure Plan which zones the area as being of environmental and amenity importance and there is a presumption against development.

The proposed development will not have an adverse impact on the environment in terms of amenity. There is no specific locational need for this type of development to be located in a rural area.

4.10 The proposal will have an adverse effect in terms of highway safety, will have an adverse impact on the local environment and is in breach of a number of planning policies. The current proposals will significantly reduce the environmental benefit that is enjoyed by the local community.

The Roads and Transportation Division has recommended refusal of the application on road safety grounds. The proposal is considered to be contrary to Policy IND6 of the East Ayrshire Local Plan (Finalised Version with Modifications)(see section 6 of this report).

4.11 In terms of the Dalmellington/ Patna/ Dalrymple Local Plan the proposal is isolated development in the countryside and an inappropriate rural use and should be refused.

Assessment of the proposed development against the provisions of the adopted local plan is made in Section 5 of the report.

4.12 Dalrymple is a Conservation Village and should be protected from development which would adversely impact on it.

The proposed development is located outwith the settlement boundary of Dalrymple and it is considered that it would not have any adverse impact on the visual or general amenity of the village itself.

4.13 The Council has indicated suitable sites for industry. The application site is not one and should be refused.

The site is not identified within the adopted local plan as a site for industrial development.

4.14 The proposal is contrary to the environmental policies of the East Ayrshire Local Plan (Finalised Version with Modifications). Light industry with all its consequences will be visually intrusive and harmful to the landscape value of the area and cause irreparable damage to the rural amenity. The proposal does not positively enhance or protect the rural environment and would undermine the social and economic well-being of the community by moving industry away from where it is intended to be sited. There is also the potential adverse impact on tourism which would have a negative economic affect on the area. The proposal is contrary to Policy ENV11.

It is considered that the proposals, which involve the change of use of an existing domestic garage and construction of a small extension within the curtilage of an existing dwellinghouse, will not detract from the rural landscape or be visually intrusive. It is further considered that given the scale of the proposed development, it would not significantly undermine either the social or economic well-being of the local community, nor have any adverse impact on tourism in the locality. Assessment against Policy ENV11 is made in section 6 of the report.

4.15 Policy ENV12 aims at protecting those features which contribute to the intrinsic landscape value and quality of the area concerned. It is submitted that contrary to this policy the proposed development will result in the permanent loss of landscape features and the open rural amenity. By creating a densely built light industrial site with all the transport and road safety issues that go with it this will detrimentally affect the intrinsic landscape value of the area.

See response to 4.14 above. While it is accepted that there are road safety issues with respect to the proposed development, it is considered that the use of an existing domestic garage, together with a small extension to it, will not result in the loss of any landscape features.

4.16 Policy ENV13 requires that any authorised development is in keeping with, has minimal visual impact and reflects the nature of the rural area on which it is located. A light industrial use in the open countryside is contrary to this policy.

See response to 4.14 and 4.15 above.

4.17 Contrary to Policy ENV19, water resources may be adversely affected by the proposed development.

No adverse comments with respect to potential impact on water resources have been made by SEPA.

4.18 The proposal is contrary to Policy IND10 in that the proposal is not related to appropriate rural activities. It concerns the manufacture of sieves and takes with it concerns about intensification, expansion, noise and the existing and consequential traffic and road safety concerns. No site specific locational need has been demonstrated. Given that all proposals require to be justified and assessed upon their impact on the surrounding environment and adjacent uses, transportation and infrastructure implications as well as impact on the natural heritage resources of the area, this proposal cannot be so justified and should be refused.

Assessment of the proposed development against Policy IND10 is made in section 6 of the report. Any intensification or expansion of activities would be likely to require a further planning application, the merits of which could be assessed at that later date.

4.19 My client acquired the former Dalrymple Sawmill, which was derelict and had a detrimental affect on the environment being both visually intrusive and potentially hazardous, and has spent considerable sums of money tidying the site and restoring it to a condition whereby it could be and has now been planted with amenity trees. He has therefore made a significant improvement to the local environment and the current proposal will significantly reduce the environmental benefit that is enjoyed by the local community.

Noted.

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 Adopted Ayrshire Joint Structure Plan and the Adopted Dalmellington/ Patna/ Dalrymple Local Plan (1989). The

Adopted 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 the following policies:

- (i) Policy 56(b): Presumption against development having an adverse environmental impact on the Area of Local Landscape Significance.

Although this landscape designation has now been superseded, it is considered that the proposed development would not have any significant adverse impact on the landscape.

- (ii) Policy 63: Isolated development will not generally be approved.

The proposed development is an isolated development in the countryside.

- (iii) Policy 6.32 (A, H and I): In the countryside, there will be a presumption against any housing, industrial or other developments which would have an adverse environmental impact or detrimental effect on the Regional Scenic Area and the Area of Local Scenic Significance. Isolated development in areas designated as Countryside Around Towns shall not generally be approved unless there is a specific locational need or unless related to agriculture, horticulture, silviculture or other uses appropriate to country areas. Proposals require to be justified against economic benefit, specific locational need, infrastructure implications and environmental impact.

The Adopted Local Plan policies relate to now superseded designations. There is no specific locational need for the proposed development to be located in the countryside and it is not related to agriculture or other uses appropriate to country areas. It is considered however that the proposal will not have an adverse impact on the environment. Nonetheless, it is considered that the proposed development is contrary to policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) (2001), and the representations received as indicated in section 4 of the report.

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 East Ayrshire Local Plan, (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. The site lies within the Rural Protection Area, as defined by the EALP, and is affected by Strategic, Environment and Industrial Policies.

6.3 Policy SD3 of the EALP states that within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only where the development:-

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan;

The proposal is not related to a proposed residential use.

- (ii) can be fully justified in terms of site specific locational need;

There is no site specific locational need proven for the proposed development.

- (iii) can be fully justified in terms of social and economic benefit to the community;

The provision of employment for three persons would result in net benefit to the rural economy.

- (iv) provides for the operational needs of agriculture or forestry.

The development does not provide for the needs of agriculture or forestry.

The proposal is therefore considered to be contrary to provisions of this policy.

6.4 Policy IND6 states that all proposals for new industrial or business development on land not specifically identified for such purposes and changes of use of existing premises to industrial or business use will require to be justified against all of the following criteria:-

- (i) locational need;

The proposed development is for the manufacture of sieves; there is no specific locational need for the business to be located in the countryside.

- (ii) availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply;

There are alternative industrial premises and industrial land allocated within the local plan area where the proposed use could be accommodated which would be more acceptable in terms of local planning policies.

- (iii) economic benefit;

The development does bring economic benefit to the area by providing employment for 2 people in the assembly process and 1 office staff.

- (iv) impact on surrounding environment and adjacent uses;

It is considered that the proposed development will not have an adverse impact on the surrounding environment and adjacent uses and on natural and built heritage resources.

- (v) transportation and infrastructure implications;

The Roads and Transportation Division has raised road safety concerns regarding the proposed development as the existing access has very poor visibilities. No other infrastructure issues have been raised through the consultation process.

- (vi) loss of public amenity open space;

The proposed development will not result in the loss of public amenity open space.

- (vii) loss of prime agricultural land;

The proposed development will not result in the loss of prime agricultural land.

- (viii) impact on natural and built heritage resources.

It is considered that the proposed development will not have an adverse impact on natural and built heritage resources.

The proposed development is considered to be contrary to provisions of Policy IND6.

6.5 More specifically Policy IND10 indicates that industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to :-

- (i) Category 1 and 2 business and industrial sites and those miscellaneous development opportunity sites with potential for industrial or business development as indicated on the Local Plan Rural Area Map;

The proposed development does not fall within any of the sites identified in the Local Plan Rural Area Map.

- (ii) sympathetic industrial and business developments associated with the traditional activities of agriculture and forestry;

The proposed development is not associated with either agriculture or forestry.

- (iv) rail freight based industrial uses at existing coal disposal points:

The proposed development does not relate to rail freight based industrial use.

- (v) sensitive industrial and business developments with a clearly demonstrated site specific locational need located to be within the Rural Diversification Area.

The application site lies within the Rural Protection Area, not the Rural Diversification Area.

Policy IND10 further states that all proposals for industrial and business development in the countryside will require to be justified and will be assessed against their impact on the surrounding environment and adjacent uses, transportation and infrastructure implications, loss of prime agricultural land and impact on natural and built heritage resources.

While it is considered that the proposed development will not have any adverse impact on the surrounding environment and adjacent uses, it cannot be justified in terms of the provisions of Policy IND10 and is therefore contrary to this policy.

6.6 Policy IND11 states however that the Council will, where planning permission is required, be supportive of the operation of small businesses in residential properties or associated outbuildings subject to the following criteria:-

- (i) the primary use of the property remains residential;

The primary use of the property will remain residential.

- (ii) the business can be adequately accommodated within the existing property;

The proposed development, including the extension to the garage premises, can be accommodated within the curtilage of the existing residential property.

- (iii) the business use does not adversely affect the existing residential use of the property or impact adversely on other residential properties in the area;

It is considered that the proposed use will not adversely affect either the existing residential use of the property or other residential properties in the locality.

- (iv) that adequate car parking is provided to the standards of the Council as Roads Authority.

Although the Roads Division has objected to the development with respect to the existing access, the level of car parking proposed is acceptable to the Roads Division.

The reasoning for Policy IND11 is to facilitate and encourage the growth of technology and technologically innovative business development in

locations not detrimental to residential amenity. NPPG1 requires applications to be assessed against the policy and reasoning behind the policy. It is considered that the proposed development, being a manufacturing process, does not fall to be considered against Policy IND11.

6.7 Policy ENV11 states that within the Sensitive Landscape Character Areas, the Council will give priority and prime consideration to the protection and enhancement of the landscape. Policy ENV12 requires that all development proposals respect in terms of their design, the local landscape characteristics of the particular area.

The proposed development is located in a Sensitive Landscape Character Area and it is considered that it does not conflict with Policies ENV11 and ENV12 as the proposals, which involve the change of use of an existing garage and construction of a small extension within the curtilage of an existing dwellinghouse, will not detract from the rural landscape character.

6.8 Planning History : An application for a Certificate of Lawfulness of Existing Use (Ref. No. 00/0604/LD) for the use of the garage at Glenammer Cottage for light industrial purposes was granted by the Development Services Committee on 03 November 2000.

This decision was subsequently the subject of a successful challenge by Judicial Review. On 21 February 2001, an interlocutor was awarded declaring the decision of the Committee to be unlawful, and thereby rendering void the Certificate of Lawfulness. The application was subsequently withdrawn by the applicant from further consideration on 12 March 2001.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. If the Committee is minded to refuse the application consideration would require to be given to initiating enforcement procedures to prevent the continued use of the garage for non-domestic purposes.

8. CONCLUSIONS

8.1 As indicated at paragraph 5.2 above, the proposed development is considered to be contrary to 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 refused unless material considerations indicate otherwise. As indicated in section 6 above, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Dalmellington/ Patna/ Dalrymple Local Plan, the Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications), (EALP) should be considered as a prime material consideration. In this regard, the proposed development is also contrary to the policy provisions of the EALP. The proposal involves the assembly of sieves which is an industrial use which does not have a specific locational requirement to be sited in the countryside. There are alternative industrial premises in the area which could accommodate this industrial use. The proposal will however bring economic benefit to the area by providing employment for 3 people.

8.3 The Roads and Transportation Division have recommended refusal of the application as the existing access has very poor visibilities. Discussions have taken place between the applicant and the Roads Division regarding an alternative access to the west of the existing access. The applicant believes that the provision of a new access cannot be justified at this time. The applicant has indicated that he would be willing to accept a conditional planning consent that prior to any further expansion or increase in employee numbers beyond those stated on the application, a new access would be provided as suggested, to the west of the site. The Roads Division believes that the proposed condition is unacceptable and would still maintain their objection in terms of road safety based on the application under determination.

8.4 The points of objection are based mainly on the grounds that the proposed development is contrary to policy. It is accepted that the proposals contravene Policies IND6 and IND 10 of the EALP. Furthermore it is accepted that the existing access to the development site is considered to be sub-standard and approval of the proposed development would have an adverse impact on road safety. With regard to potential impact on amenity and the rural environment, however, it is not considered that the proposed development would result in any significant adverse impacts on adjacent properties or on the visual or general amenity of the rural environment, given the scale of the proposed development.

9. RECOMMENDATION

9.1 The application should be refused for the reasons indicated on the enclosed sheet.

Stephen Chorley
Director of Development Services

HM/HM
31 May 2001
FV/DVM

LIST OF BACKGROUND PAPERS

- 1. Application form and plans.**
- 2. Statutory notices/certificates.**
- 3. Consultation replies.**
- 4. Letters of objection.**
- 5. East Ayrshire Local Plan (Finalised Version with Modifications)**
- 6. Dalmellington/Patna Dalrymple Local Plan**

7. Application 00/0604/LD

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer : Dave Morris

Location	Glenammer Cottage, DALRYMPLE KA6 6AP
Nature of Proposal:	Proposed change of use of existing garage to light industrial unit and proposed extension
Name and Address of Applicant:	Glenammer Cottage DALRYMPLE KA6 6AP
Name and Address of Agent	Mr J McDonald 10 Hollow Park, AYR KA7 4SR

DPO's Ref:	[Hugh Melvin]
	PPO's Ref;	[]

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

- (1) The proposed development is contrary to Policy IND6 of the East Ayrshire Local Plan (Finalised Version with Modifications) as there is no specific locational need for this industrial use to be located in the countryside.
- (2) The proposed development would be detrimental to road safety as the existing access has very poor visibilities and as such would be contrary to Policy IND6 of the East Ayrshire Local Plan (Finalised Version with Modifications) as there would be adverse transportation and infrastructure implications resulting from the proposed development.
- (3) The proposed development is contrary to Policy IND10 of the East Ayrshire Local Plan (Finalised Version with Modifications) as the application site is not an identified site in the rural area with potential for industrial or business development. Furthermore, the proposed development is not a sympathetic industrial or business development related to appropriate rural activities or associated with the traditional activities of agriculture and forestry.
- (4) The proposed development is not specifically related to a rural activity and there is no specific locational need for the development at this location. Therefore the development would be contrary to Policy 6.32 of the Adopted Dalmellington/Patna/ Dalrymple Local Plan.

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AGENDA