

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 APRIL 2001**

**00/0731/FL: CHANGE OF USE OF DISUSED STATION YARD TO GENERAL  
INDUSTRIAL CLASS 5, BUILDING AND YARDSPACE  
AT OLD STATION YARD, LOCHLIBO ROAD, UPLAWMOOR  
BY D WELSH BUILDERS LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The applicants, D Welsh Builders have existing premises in Uplawmoor and this detailed application proposes the erection of a fabrication unit in the south end of the site and the use of the remainder of the site for storage of materials and Railtrack parking, retaining a clear access across the site for the Old Station House and Railtrack.

The proposed building is an industrial proportioned single storey structure 12m x 20m in area 4.6 metres in height and finished in roughcast with steel clad roof. The proposal is to establish the fabrication of concrete panels utilised in that arm of the applicants business most commonly for the construction of pre-cast garages. Currently it is understood that this work is carried out in a different location entirely. The yard area will be used for storage of materials and vehicles and the moulding process will be carried out in the building. Information from the applicant confirms that all the materials will be pre-mixed prior to delivery to the site and there will be no concrete mixing carried out on site.

**2. RECOMMENDATION**

**2.1 It is recommended that the planning application be refused for the reasons indicated on the attached sheet.**

**3. SUMMARY OF ANALYSIS**

3.1 As is indicated above in paragraph 5.2 of the report the application 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 is indicated in Section 6 of the report there are material considerations relevant to this application. In this case the material considerations add weight to the presumption in favour of the development plan and to the refusal of the application.

Should the Committee be of the view that the application should be approved, it would require to be referred to the Development Services Committee because it would represent a significant departure from the East Ayrshire Local Plan.

**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 an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is contrary to the East Ayrshire Local Plan (Finalised Version with Modifications), has been subject to objections and is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 The application site is in the extreme north of East Ayrshire, and is an area of land immediately to the east of the junction of the Lochlibo Road, A736 and the B776 which links Uplawmoor to Kilbarchan. Formerly the site was part of the land associated with Uplawmoor Station including access track and areas ancillary to the Station. However, the station has been abandoned for some considerable time, platforms removed etc and the Old Station House is now occupied solely as a dwellinghouse.

2.2 The application site is located to the south of the station house with the Kilmarnock/Glasgow railway line running north/south immediately to the east of the site. Currently the site is in an overgrown condition and appears to be used solely for access to the Old Station House, although it is understood that Railtrack occasionally utilise the area for access to the tracks. It should also be noted that the site is in a cross border situation with approximately one third in East Ayrshire and the remainder in East Renfrewshire. The vehicular access to the site is in East Renfrewshire. For the applicant to be able to develop this proposal, he will require a planning consent from both planning authorities.

2.3 Other adjacent uses are predominantly rural in character, being agricultural fields, with the Caldwell Golf Club to the west and other housing across the railway to the north east in Uplawmoor, approximately 60m from the application site.

2.4 **Proposed Development:** The applicants, D Welsh Builders have existing premises in Uplawmoor and this detailed application proposes the erection of a

fabrication unit in the south end of the site and the use of the remainder of the site for storage of materials, and Railtrack parking, retaining a clear access across the site for the Old Station House and Railtrack.

The proposed building is an industrial proportioned single storey structure 12m x 20m in area, 4.6m in height and finished in roughcast with steel clad roof. The proposal is to establish the fabrication of concrete panels utilised in that arm of the applicants business most commonly for the construction of pre-cast garages. Currently it is understood that this work is carried out in a different location entirely. The yard area will be used for storage of materials and vehicles and the moulding process will be carried out in the building. Information from the applicant confirms that all the materials will be pre-mixed prior to delivery to the site and there will be no concrete mixing carried out on site.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have advised the following:

1. The A736 being a distributor road should not have frontage development except where an adequate junction spacing can be provided. The proposed access is directly opposite the existing B776 junction whereas a spacing of 210 metres is required.
2. The sightline standard for an access at this location being based on a 60mph speed limit cannot be achieved without control of significant areas of ground outwith the application site. A standard of  $x = 4.5$  metres,  $y = 210$  metres being required.
3. The submitted layout plan indicates the continued use of the application site by other parties. Railtrack and an existing dwelling being shown as using the same access as the proposed development. The common use of the access by a residential property and industrial users is not acceptable. The shared use by railtrack and the proposed development would require an assessment of the use by both parties. No internal layout for parking or turning manoeuvres has been provided to allow this sharing to be assessed.

Accordingly, on the basis of the submitted details the Roads Division recommend that the application be refused (notwithstanding the fact that the access is in East Renfrewshire).

***Noted. These matters were put to the applicant who responded with the comments that it is not proposed to construct a new access, simply to use an existing one, and that the vehicle movements attributable to the proposal would not be significant, and in any event they intend to improve the access if consent was issued. The applicants are also of the view that an internal parking and turning area has been provided. That submission was a block plan with broad areas indicated for use. This was put to the***

**Roads Department who are of the view that it was inadequate in detail but other issues were of more significance.**

**Nevertheless, it is considered that the proposal does involve the considerable intensification of use of an existing very poor access which is currently mainly utilised as an access for one domestic dwelling. In instances like this even a small increase in uncontrolled vehicle movements is potentially significant in road safety terms.**

**The applicant has confirmed that he would be willing to improve the access. Having been advised of the areas of concern and what would be required to improve the situation, he has brought no improvement plans forward, apart from a broad allocation plan as referred to above, and maintaining that the vehicle movements generated would be similar to one house. This view is not accepted given the character of vehicles and lack of control over future patterns of activity.**

3.2 West of Scotland Water have confirmed that there are no known sewers available for connection at the site but that there is a public water main adjacent to the site and the proposal can be serviced from that main.

**Noted.**

3.3 East Ayrshire Council Environmental Health have advised on the basis of the information provided which clarifies the intended operation of the premises i.e. no batching/mixing on site all casting work will be carried out in the building, materials delivered ready mixed, they have no objection to the proposal.

**The position of Environmental Health is noted in respect of the information made available at this time. However, it is considered that on balance there is potential for a degree of nuisance to be generated on site that would give rise to concerns on amenity issues for adjacent residents. A reliance on good housekeeping techniques on site to avoid such incidence is not considered to be acceptable in this instance particularly when the nearest resident is expected to drive through an industrial unit to gain access to their house.**

3.4 Dunlop & Lugton Community Council have confirmed that they have no objection to the proposal.

**Noted.**

#### **4. REPRESENTATIONS AND ISSUES RAISED**

Seven letters of objection have been submitted in relation to this application from local residents, Uplawmoor Community Council and the Caldwell Golf Club.

4.1 The application site is green belt and no building should be allowed on it.

***Noted. The section of the site within East Renfrewshire is designated as green belt in the Renfrew District Local Plan and the East Renfrewshire Finalised Local Plan. The area in East Ayrshire is part of the Rural Protection Area, and development is allowed subject to certain criteria (See Para 6.2 below).***

4.2 The anticipated increased use of the existing access would constitute a traffic hazard.

***Noted. (See paragraph 3.1 above).***

4.3 The proposal to site a builders yard next to our existing house would devalue our property.

***Noted. The issue of property value is not a material planning consideration. However, it is considered that the proposal could have a detrimental impact on the residential amenity of that property immediately to the north of the site.***

4.4 Noise and dust levels could cause a health hazard, and the existing premises in the village currently give rise to complaints on these issues.

***Noted. (See paragraphs 3.3 and 4.3 above).***

4.5 Would the possibility of a railhalt being provided at Uplawmoor be affected by this proposal?

***The site is identified in the Finalised East Renfrewshire Local Plan as a proposed rail halt; to be pursued with Strathclyde Passenger Transport. No further details are available, but it can be assumed that it too would require to be provided with adequate access***

4.6 The proposal would be an eyesore in an otherwise attractive area.

***Noted. It is considered that the proposal would have a visual impact on the area but the site is not in itself that attractive.***

4.7 Additional supporting information has been put forward by the applicant commenting on the report submitted to the Committee on 23 March and offering screening to mitigate potential nuisance to adjacent residents. The applicants also contend that they have a locational justification to develop the site based on the proximity to their current premises in Neilston Road, Uplawmoor.

***The applicants have been presented with full details of the Roads Division's observations and were asked to comment thereon. Their response was to the effect that no new access was being formed and they could improve access and sightlines subject to getting planning consent. When made aware of this response, the Roads Division did not alter their recommendations. This information is not sufficient to remove concerns such as the neighbour being required to drive through a formal industrial yard and circulation area to gain access to their house. It is considered that these matters cannot be reconciled with a minimum standard of residential amenity. Additionally, the issue of security of the proposed yard is not fully addressed but an arrangement of gates is indicated which again could lead to an impact on the current residential amenity of the immediate neighbour and a potential road safety problem developing on the public road if the resident of Greystone is required to park prior to opening or unlocking gates.***

## **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 Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan (1987). 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 its relevant policy background.

The adopted local plan entertains industrial development in the countryside in certain specified circumstances which are not fulfilled with regard to this proposal; these include where the proposal is related to local agricultural uses or where it is related to an existing, adjoining industrial use.

***The proposal is not related to local agricultural uses and is not related to an existing, adjoining use. Consequently the proposal is contrary to the Adopted Stewarton Local Plan.***

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

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), East Renfrewshire Council's position, representations received and residential amenity.

## 6.2 East Ayrshire Local Plan Finalised Version with Modifications

As stated above the Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Council Local Plan (Finalised Version with Modifications) (EALP) should be considered a prime material consideration.

Policy IND 10 of the EALP states the following:-

“Industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to:-

- (i) Category 1 & 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;
- (ii) Sympathetic industrial and business developments associated with the traditional activities of agriculture and forestry,
- (iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;
- (iv) Rail freight based industrial uses at existing coal disposal points; or
- (v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need located within the Rural Diversification Area.

All proposals for industrial and business developments 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.”

***Noted. The proposed development has been assessed against the terms of the above policy and is not considered to be in accordance with the required criteria. A specific locational need has been suggested arising from the associated premises being located nearby. On balance, this is not considered to be sufficient justification to approve the development contrary to Policy IND10 as these existing premises lie in Uplawmoor, are not adjacent to the application site, and no case was presented to indicate that the development could not be accommodated other than in the countryside.***

***Additionally, as explained previously the proposal raises significant, adverse implications in terms of impact on adjacent residential uses and transportation/access, considerations that would result in a most***

***unsatisfactory arrangement on site. Accordingly, the proposal is not supported by the specific criteria within IND10 and in addition any lesser benefits that might arise from the development of the site are outweighed by the negative impacts in terms of road safety and residential amenity.***

### 6.3 East Renfrewshire

East Renfrewshire are currently processing an application for the same development which at the time of writing remains undetermined. Nevertheless, they comment as follows:-

“The site lies within the Greenbelt as identified in the Renfrew Local Plan and consequently has to be assessed against Policy E1 contained therein. This makes a general presumption against development within the Greenbelt other than various specified exceptions. Although one of these exceptions does permit extensions to existing industrial uses as the proposal is to introduce a new use onto a vacant site. It is not considered that it accords with the afore-mentioned policy. Policy E2 of the East Renfrewshire Finalised Local Plan reinforces this presumption against development in the Greenbelt, however Policy DC3 does give scope for change of use subject to various criteria being satisfied”.

East Renfrewshire also have “significant concerns that appropriate visibility splays cannot be achieved with consequent adverse affect on traffic safety, and that the proposed use is likely to generate noise, activity and other effects to the detriment of both residential amenity and the character of the rural area.

Although various matters remain under consideration in light of the above concern it is likely that it will be recommended to committee that permission be refused”.

### 6.4 Representations Received

As detailed above in Section 4, two letters of representation submitted in respect of the application have been assessed. It is considered that there is significant merit in the majority of the issues raised. In particular the adverse implications for traffic/access have been endorsed by East Ayrshire Council Roads & Transportation Division and East Renfrewshire Council.

### 6.5 Residential Amenity

It is considered that the proposal to establish a Class 5 industrial unit in the application site with associated storage and circulation areas would give rise to significant levels of noise and dust adversely impacting on the amenity of the house immediately to the north of the site, which would also be affected by interference to its vehicular access.

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

There are no financial or legal implications for the Council in determining this application.

## **8. CONCLUSION**

8.1 As is indicated above in paragraph 5.2 the application 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 is indicated in Section 6 there are material considerations relevant to this application. In this case the material considerations add weight to the presumption in favour of the development plan and to the refusal of the application.

Should the Committee be of the view that the application should be approved, it would require to be referred to the Development Services Committee because it would represent a significant departure from the East Ayrshire Local Plan.

## **9. RECOMMENDATION**

**9.1 It is recommended that the planning application be refused for the reasons indicated on the attached sheet.**

Alan Neish  
Head of Planning and Building Control

5 April 2001 (IW/MS)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation replies.
4. Letters of objection/support.
5. Adopted Stewarton Local Plan.
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Adopted Ayrshire Joint Structure Plan.
8. NPPG1 "The Planning System".

Anyone wishing to inspect the above papers please contact Ian Walker on (01563 576769).

**Implementation Officer: Dave Morris**

I:Northern/000731

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 00/0731/FL

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Location	Old Station Yard Lochlibo UPLAWMOOR Glasgow G78
Nature of Proposal	Proposed Change of Use from Disused Station Yard to General Industrial Class 5 including a Building and Yard Space
Name and Address of Applicant	D Welsh Builders Ltd 1 Neilston Road UPLAWMOOR G78 4AA
Name and Address of Agent	

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DPO's Ref: Ian Walker  
PPO's Ref:

The above FULL application should be refused on the following grounds:

1. The proposed development lies outwith settlement boundaries as defined by the East Ayrshire Local Plan Finalised Version with Modifications and would therefore require to be assessed against Policy IND10 of that plan which states:

“Policy IND10

Industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to:-

- (i) Category 1 & 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;
- (ii) Sympathetic industrial and business developments associated with the traditional activities of agriculture and forestry;

(iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;

(iv) Rail freight based industrial uses at existing coal disposal points; or

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

All proposals for industrial and business developments 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.”

The proposal is considered to be contrary to IND10 and the East Ayrshire Local Plan (Finalised Version with Modifications) by reason of its failure to comply with any of the listed criteria in that the development is not proposed in a Category 1 or 2 Business site or on a Miscellaneous Development Opportunity site, and in as much as the proposal is not related to agriculture or forestry and no specific locational need has been demonstrated.

2. The proposed development would be detrimental to road safety by reason of intensifying the use of a substandard junction having inadequate sightlines on to an A Class Road.

3. The proposed development would have a detrimental impact on the amenity of adjacent residential property by reason of noise and dust, and in respect of its generating vehicular activity likely to disrupt the use of the existing access.

**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**