

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 15 JUNE 2001

**00/0077/FL: PROPOSED RE-DEVELOPMENT TO FORM 1170M² OF
OFFICES, SHOWROOM AND WORKSHOP AT FENWICK MOTORS, KILMAURS
ROAD, FENWICK BY MR R MACGILIVRAY**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to demolish the existing buildings on site and construct a new custom designed unit for the applicant's main business which comprises principally the hire of vehicles of various types including heavy goods vehicles, display and exhibition trailers suitable for various external and internal events.

1.2 The building proposed is an extensive structure 50m long and approximately 26m wide and includes office and showroom display areas on the principle east/north elevations with a large storage and vehicle repair area. The vehicle repair and maintenance area is for the repair and maintenance of both the specialist vehicles and trailer and vehicles belonging to members of the public. To the south and west of the building is situated the external circulation and parking area.

1.3 The arrangement as proposed is adapted to take on board the anticipated A77 Trunk Road upgrade works with the proposed building being situated further west from the existing A77 to accommodate the formation of a slip lane running parallel to the existing A77. The final configuration of the M77 has not been agreed and, consequently, although consideration was given to this application containing the slip lane and other roads works, the application is presented for determination with regard to the existing A77 road layout. There is proposed a revised access to the Kilmaurs Road north of the site and the closure of existing access direct to the A77. The area between the proposed building and the

2. RECOMMENDATION

2.1 **It is recommended that the application be approved subject to the conditions on the attached sheet.**

3. SUMMARY OF ANALYSIS

3.1 As is indicated in Section 5 of the report, the proposal is acceptable in terms of the Adopted Local Plan. Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless external considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are other material considerations relevant to this application. These considerations are generally supportive of the application and it is considered that the proposal can be supported both in terms of its principle and the advantages

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 or decision making by the Planning Authority.

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00/0077/FL: PROPOSED RE-DEVELOPMENT TO FORM 1170M² OF OFFICES, SHOWROOM AND WORKSHOP AT FENWICK MOTORS, KILMAURS ROAD, FENWICK BY MR R MACGILIVRAY

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 considered to be a larger application which accords with the Development Plan and is of area significance.

2. APPLICATION DETAILS

2.1 Site Description: The application site is the Fenwick Motors Filling Station and associated yard area across the A77 Trunk Road from the Fenwick Hotel.

The site is characterised by the vacant single storey filling station with canopy and attached workshop and offices fronting onto the A77. The attached yard area is situated generally to the west and south of the building. Display and exhibition vehicles and trailers are stored in this area. Currently the site enjoys the benefit of three junctions with the adjacent roads; two directly to the existing A77 and one to Kilmaurs Road, Fenwick.

Adjacent uses comprise a haulage/construction yard to the west and agricultural area to the immediate south and north across Kilmaurs Road. The Fenwick Hotel sits opposite the site across the A77.

2.2 Proposed Development: It is proposed to demolish the existing buildings on site and construct a new custom designed unit for the applicant's main business which comprises principally the hire of vehicles of various types including heavy goods vehicles, display and exhibition trailers suitable for various external and internal events.

The building proposed is an extensive structure 50m long and approximately 26m wide and includes office and showroom display areas on the principle

east/north elevations with a large storage and vehicle repair area. The vehicle repair and maintenance area is for the repair and maintenance of both the specialist vehicles and trailer and vehicles belonging to members of the public. To the south and west of the building is situated the external circulation and parking area.

The arrangement as proposed is adapted to take on board the anticipated A77 Trunk Road upgrade works with the proposed building being situated further west from the existing A77 to accommodate the formation of a slip lane running parallel to the existing A77. The final configuration of the M77 has not been agreed and, consequently, although consideration was given to this application containing the slip lane and other roads works, the application is presented for determination with regard to the existing A77 road layout. There is proposed a revised access to the Kilmaurs Road north of the site and the closure of existing access direct to the A77. The area between the proposed building and the A77 will be landscaped.

3. CONSULTATION AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have, in assessing this proposal, adopted the position of considering the proposal against the unlikely possibility that the A77 upgrade is not implemented, and have addressed the application in a pragmatic manner to achieve an improved situation from that currently evidenced on site.

There have been a series of meetings with the Roads Division considering the implications of the A77 upgrade and amendments to the proposal on the access geometry off Kilmaurs Road. The result being that the proposal before the Committee is of a sufficient standard to allow both exiting and entering the site from Kilmaurs Road. Any revisions to this arrangement would be considered in tandem with the final configuration of the M77 and the junction with Kilmaurs Road. The current application does not interfere with the anticipated routing of the M77 or the Kilmaurs Road junction.

On the basis of the above the Roads Division have confirmed that they consider the application to be acceptable.

3.2 The Scottish Executive Development Department, Road Network Management and Maintenance Division have advised of conditions that should be attached to any permission if the Committee is of a mind to approve the application and these are as follows:

- (i) Details of any lighting within the site shall be submitted for the approval of the Planning Authority after consultation with the Roads Authority .

- (ii) There shall be provided in the curtilage of the site 25 car and 5 articulated HGV parking spaces and an adequate and unobstructed turning area for articulated HGVs as indicated on the application drawing, 99/11/07C accompanying letter dated 20/03/01.
- (iii) A visibility splay shall be provided and maintained across the site frontage to the south of Kilmaurs Road to the satisfaction of the local authority's planning department. This splay is the triangle of ground bounded on 2 sides by the first 9 metres of the centreline of the Kilmaurs Road and the nearside Trunk road carriageway measured 200 metres in a southerly direction from the intersection of the Kilmaurs Road. In a vertical plane nothing shall obscure visibility measured from a driver's eye height of 1.05m -2.0m, positioned at the set back distances (9m) on the proposed access, to an object height of 0.26m -1.05m anywhere along the 200 metre dimension.
- (iv) The applicant shall enter into Minute of Agreement with the Scottish Executive in respect of the widening of Kilmaurs Road to 7.3m as indicated on the application drawings.

Noted. These items can be addressed by conditions attached to any grant of planning permission. Item (iv), the widening of the Kilmaurs Road is not precluded by the development as proposed and it would be for the Scottish Executive to facilitate the road widening in conjunction with the applicants. Consequently, there is no requirement for any legal agreement.

3.3 Transco have confirmed the usual precautionary notes in respect of works within certain distance of the medium pressure gas line which is within 45m of the proposed new building and just outside the application site.

Noted. A note to this effect could be attached to any consent granted.

3.4 Scottish Environment Protection Agency have advised that they have no objection to the proposal but have raised the following issues:-

- Upgrading of septic tank and effluent disposal arrangements,
- Siting of diesel tanks in a bunded area,
- The introduction of oil interceptors.

Noted. These points can be addressed by means of conditions and a note attached to any grant of planning permission.

3.5 West of Scotland Water have confirmed that there is a public water main connection available for the proposed development and have requested that the developer should contact their office prior to the commencement of works on site.

Noted. A note to this effect could be attached to any consent granted.

3.6 The Coal Authority have not advised of any ground stability issues which could impinge on the development.

Noted. Given the scale of the proposed building it would be prudent to attach a precautionary note for the benefit of the applicant.

3.7 The Councils Economic Development Division have confirmed that the proposal raises a number of issues relative to the complexity of the circumstances, in particular the roads situation. They have also advised that they are not convinced that the site is the most ideal situation for the operation.

Noted. Certain issues particularly the roads elements have been the subject of considerable correspondence between the Council, the Scottish Executive and the applicants and have been effectively resolved.

The comments regarding the appropriateness of the site for the development are noted. However the business has been well established on site for a number of years and the proposal will represent an improvement of the environmental position.

3.8 Fenwick Community Council have not replied at the time of writing the report.

Noted.

4. REPRESENTATIONS

4.1 No letters of objections have been submitted in respect of this application.

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 Stewarton Local Plan, (1985).

The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

The development is an expansion of existing industrial/commercial premises in the rural area. It complies with policies in the Adopted Local Plan in that no development is proposed outwith the existing curtilage of the site and there would be no detrimental effect on surrounding uses.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), consultation responses and impact on amenity of the area.

6.2 East Ayrshire Local Plan Finalised Version with Modifications

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 EALP should be considered a prime material consideration.

Given the terms of the plan and the proposal involved it is considered appropriate to assess the proposal against Policy IND7 which states the following:

"Extensions to existing industrial premises and extensions to non-industrial buildings for industrial or business purposes will be supported subject to the proposal being justified against the following criteria:

- (i) impact on the surrounding environment and adjacent uses;
- (ii) transportation and infrastructure implications;
- (iii) loss of public amenity open space;
- (iv) loss of prime agricultural land; and
- (v) impact on national and built heritage resources".

This policy is agreed in order to:-

- To preserve existing industrial provision in the area.
- To encourage and facilitate the establishment of new industries and business.
- To broaden the economic base of the area and stimulate and increase the level of economic activity .
- To minimise any adverse impacts of industrial and business developments on surrounding areas.

The most relevant criteria applicable in the situation of this application are items i) and ii).

In terms of the former, the proposal is considered to be in accordance with the concerns raised, in presenting a new custom designed building with display, accommodation for the specialist vehicles and trailers, improving the immediate amenity of the site and also affording an opportunity to create a properly controlled setting for the established business which currently operates in a relatively unco-ordinated manner across the site.

Item ii) is a sensitive consideration given the site's location adjacent to the planned M77 Trunk Road upgrade programme. Both the Roads Division and the Scottish Executive have been consulted on the proposal and both are satisfied with the proposal as put forward. Currently the upgrade programme includes at this location the retention of the existing width of the A 77 but the formation of a slip road formed within the eastern boundary of the application site. Certain areas of this work will be implemented via the Scottish Executive and their operating agency Amey.

6.3 Impact on Amenity of Area

As discussed above it is considered that the proposal is acceptable in terms of visual amenity. It will present a custom designed building in a landscaped setting. The on site parking arrangements will be managed and co-ordinated and there will be opportunities to soften the impact of the proposal on the area.

7. FINANCIAL OR LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 As is indicated in Section 5 above, the proposal is acceptable in terms of the Adopted Local Plan. Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless external considerations indicate otherwise.

8.2 As indicated in Section 6 above there are other material considerations relevant to this application. These considerations are generally supportive of the application and it is considered that the proposal can be supported both in terms of its principle and the advantages it brings forward in terms of road safety and visual amenity.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning and Building Control

07 June 2001

(IW/MS/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted Stewarton Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. NPPG1: "The Planning System".
7. Adopted Ayrshire Joint Structure Plan.
8. Adopted Stewarton Local Plan.

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

Implementation Officer: Dave Morris

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 00/0077/FL

Location: Kilmaurs Road
FENWICK KA3 6AX

Nature of Proposal: Proposed Re-development to Form 1170
square metres of Offices, Showroom and
Workshop

Name & Address of Applicant: Mr Ron MacGilivray
Kilmaurs Road
FENWICK
Kilmarnock KA3 6AX

Name & Address of Agent John B Brown RIBA ARIAS
Lochridge House
STEWARTON
Kilmarnock KA3 5LH

DPO's Ref (IW/MS)

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

1. The proposed development shall be carried out in accordance with the application form and elevation plans received on 25 January 2000, the site plan as existing (99/11/17) received on 27 March 2001 the location plan received on 27 March 2001 and the site plan as proposed (99/11/08C) received by the Planning Authority on 30 March 2001.

REASON To ensure that development is carried out in accordance with the approved details.

2. A landscaping scheme including the treatment of the boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out.

REASON To ensure that adequate provision of amenity open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of visual amenity .

3. Notwithstanding the submitted plans the external materials are not hereby approved and details/samples of all external finishing materials and surfacing materials shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interest of visual amenity.

4. Prior to commencement of the use of the building hereby approved, the road access and closure works detailed in Drawing No 99/11/08C shall be fully completed to the satisfaction of the Planning Authority unless otherwise agreed with the prior written consent of the Planning Authority.

REASON In the interests of road safety.

5. The building hereby approved shall not be occupied prior to the completion of the road widening works in the area cross hatched and coloured blue on the approved plan no 99/11/08C. Such works shall be completed to the satisfaction of the Planning Authority.

REASON In the interests of road safety.

6. Details of any lighting within the site shall be submitted to and approved by the Planning Authority prior to it being erected on site.

REASON In the interest of road safety.

7. Details of the siting of the proposed fuel tanks shall be submitted to and approved by the Planning Authority prior to them being constructed/positioned on site.

REASON In the interests of visual amenity.

8. All fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by tank bund walls. The bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes. If the storage tanks are to be sited at a single compound, the bund wall shall be capable of containing 110% of the volume of the largest storage tank.

REASON In the interest of public safety and to prevent any pollution of watercourses.

9. The developer shall ensure that any surface water from the site yard area shall pass through a suitably sized oil interceptor prior to discharge to a watercourse.

REASON In the interests of public health.

10. A visibility splay shall be provided and maintained across the site frontage to the south of Kilmaurs Road. This splay is the triangle of ground bounded on 2 ~ sides by the first 9 metres of the centreline of the Kilmaurs Road and the nearside Trunk Road carriageway measured 200 metres in a southerly direction from the intersection of the Kilmaurs Road. In a vertical plane nothing shall obscure visibility measured from a driver's eye height of 1.05m -2.0m, positioned at the set back distances (9m) on the proposed access, to an object height of 0.26m -1.05m anywhere along the 200 metre dimension.

REASON In the interests of road safety.

11. Parking shall be provided within the curtilage of the site for 25 cars and 5 articulated HGVs together with an adequate and unobstructed turning area for HGVs. Details of this shall be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter implemented on site before use of the building commences.

REASON In the interests of road safety.

Note to Applicant:

1. The existing septic tank and effluent disposal arrangements may require to be upgraded and the applicant/developer should contact SEPA in this regard.
2. The applicants should have regard to the requirements of Transco with respect to any road or other works in the vicinity of their apparatus.
3. The applicant should contact West of Scotland Water regarding connection to the existing public water main.
4. The applicant shall satisfy himself prior to the commencement of development, of the stability of the site relative to the development proposed.

**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