

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 MARCH 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, 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 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 in paragraph 5.2 of the report the application is considered to be contrary to the development plan. Therefore given the terms of Section 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.

**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 Plan), 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 an access road to the Old Station House of Uplawmoor Station. However, the station has been abandoned for some considerable time 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, 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 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.***

***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 but having been advised of the areas of concern and what would be required to improve the situation, has brought no improvement plans forward.***

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**

Two letters of objection have been submitted in relation to this application from the residents of the Old Station House 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.

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

## **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. 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 1999), East Renfrewshire Council's position, representations received and residential amenity.

6.2 Current Development Plan Status

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) (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. There is ostensibly a specific locational need with the existing premises being located nearby, but, on balance, this is not considered to be sufficient justification to approve the development contrary to Policy IND10.***

***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 Section 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.

## **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

14 March 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
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**

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 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) 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.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**