

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 05 DECEMBER 2003

**02/0283/FL: ERECTION OF SHOWROOM/WORKSHOP/OFFICES AND
ASSOCIATED WORKS
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 extensive approximately 37 metres square in floor area and includes office and showroom display areas on the principal north elevations with a large storage and vehicle repair area. The vehicle repair and maintenance area is for both the specialist vehicles and trailers 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 external materials are detailed as a mixture of glazing panels, composite cladding and render.

1.3 The arrangement as proposed is adapted to take on board the anticipated M77 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 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 trunk road will be landscaped.

1.4 This proposal is a replacement for a similar application that was considered and approved by the Northern Area Local Planning Committee in June 2001, EAC Ref. 00/0077/FL. That arrangement is not workable due to an increase in land taken for the M77 upgrade project.

2. RECOMMENDATION

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

3. CONCLUSIONS

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 material considerations indicate otherwise.

The material considerations have been assessed and are considered to add weight to the presumption in favour of the Development Plan.

CONTRARY DECISION NOTE

Should the Committee determine to refuse the application contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee for determination as it would not be a significant breach of Council policy.

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 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 concentrated on the Fenwick Motors Filling Station and associated yard area across the A77 Trunk Road from the Fenwick Hotel, but it also extends across the Kilmaurs Fenwick Road to form a strip to improve the road locally.

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.

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.

2.3 The building proposed is extensive approximately 37 metres square in floor area and includes office and showroom display areas on the principal north elevations with a large storage and vehicle repair area. The vehicle repair and maintenance area is for both the specialist vehicles and trailers 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 external materials are detailed as a mixture of glazing panels, composite cladding and render.

2.4 The arrangement as proposed is adapted to take on board the anticipated M77 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 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 trunk road will be landscaped.

2.5 This proposal is a replacement for a similar application that was considered and approved by the Northern Area Local Planning Committee in June 2001, EAC Ref. 00/0077/FL. That arrangement is not workable due to an increase in land taken for the M77 upgrade project.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have confirmed that they are satisfied with the carriageway widening as detailed. They are aware that this stretch of Kilmaurs Road will terminate in a new roundabout to the immediate west of the new M77. Currently works are underway on that project.

The proposal before the Committee is of a sufficient standard to allow both exiting and entering the site from 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 subject to conditions securing sightlines.

3.2 The Scottish Executive Development Department, Road Network Management and Maintenance Division have no objections to the development proceeding but 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 March 2001.

- (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 centre line 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.

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 can 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 Scottish 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 can 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 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 Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

East Ayrshire Local Plan

5.2 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 intended:-

- 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 acceptable in that it presents 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 A77 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.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and impact on amenity of the area.

Consultations

6.2 The consultation responses have raised no issues of sufficient weight to justify the refusal of the application.

Impact on Amenity of Area

6.3 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 AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 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 material considerations indicate otherwise.

The material considerations have been assessed and are considered to add weight to the presumption in favour of the Development Plan.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee determine to refuse the application contrary to the recommendation of the Head of Planning and Building Control the application will not require to be referred to the Development Services Committee for determination as it would not be a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

27 November 2003
(W/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Approved Ayrshire Joint Structure Plan (1999).
5. Adopted East Ayrshire Local Plan 2003.
6. Previous Application 00/0077/FL.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0283/FL

Site of Proposal:	Kilmaurs Road FENWICK KA3 6AX
Nature of Proposal:	Proposed Formation of Showroom/Workshop/ Offices and Associated Works
Name & Address of Applicant:	Mr Ron MacGilivray Kilmaurs Road FENWICK KA3 6AX
Name & Address of Agent:	John B Brown RIBA ARIAS Lochridge House STEWARTON KA3 5LH

DPOs Reference: IW/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 18 April 2002 and elevation plans received on 20 October 2003, the site plan as existing (99/11/17) received on 20 October 2003 the located plan received on 27 March 2001 and the site plan as proposed (99/11/20A) received by the Planning Authority on 20 October 2003.

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.

The landscaping scheme shall allow for the introduction of substantial areas of tree and shrub planting being of species and at locations such as to soften the visual impact of this sizeable building and associated yard and storage area. To that end, the scheme will include the introduction of appropriately located heavy standard/semi mature trees. Any trees which subsequently fail shall be replaced during the next appropriate planting season. The scheme shall address the means of screening/softening by planting, the vehicle parking and yard area, particularly when viewed from the south.

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

3. Notwithstanding the submitted plans the external materials of the building and the 2 metre high security wall and gates 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 and implemented thereafter as approved.

REASON In the interests of visual amenity.

4. Prior to commencement of the use of the building hereby approved, the road access, closure widening works detailed in Drawing No 99/11/20A 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. Details of any external lighting within the site shall be submitted to and approved by the Planning Authority prior to it being erected on site.

REASON In the interests of road safety and visual amenity.

6. 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.

7. 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 interests of public safety and to prevent any pollution of watercourses.

8. 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.

9. 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 two 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.

10. Notwithstanding the provisions of Condition 3 above, details of all boundary features to be erected around the site shall be submitted to for approval by the Planning Authority and thereafter implemented as approved.

REASON In the interests of visual amenity.

11. Notwithstanding the details shown on the approved plans, no permission is hereby granted in respect of any advertising signage on the building which will require to be the subject of a further separate application for Advertisement Consent.

REASON To ensure that a separate application is submitted and considered under the appropriate legislation.

12. Notwithstanding the details shown on the approved plans, and prior to the commencement of development on site, the applicant shall submit to for the approval of the Planning Authority, details confirming the relationship between the application site, the access thereto, Kilmaurs Road and the proposed new roundabout to the west of the A77 serving the Kilmaurs Road.

REASON In the interests of road safety and to ensure that the site is served by an access appropriate in terms of its connection to the Kilmaurs Road and the M77.

Note to Applicant:

1. The existing septic tank and effluent disposal arrangements may require to be upgraded and the applicant/developer should contact Scottish Environment Protection Agency 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.

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VIEWING PLEASE CONTACT (01563) 576790.**