

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 13 JUNE 2003**

**03/0143/FL: PROPOSED ERECTION OF STEEL FRAMED DOMESTIC GARAGE  
AND STORE  
AT GLENCRAIG, KIRKTON ROAD, FENWICK  
BY MR B DOBSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought on a partially retrospective basis for the erection of a steel framed building. The frame of the building is on site although its external finish is to comprise a white render finish to match the dwellinghouse and a green/grey roof cladding with rooflight. The north eastern elevation will incorporate an external access door.

1.2 The applicant has advised that the garage will be used for the storage of his father in laws classic cars in addition to garden equipment and children's toys. He has confirmed that he does not intend to operate a commercial business from the premises.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated at Section 5 of this report, Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 In terms of the application, the consultation responses received are supportive. The submitted letters of objection are noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without detriment to the surrounding area and the material considerations are therefore also supportive of the proposal.

## **CONTRARY DECISION NOTE**

Should the Committee agreed that the application be refused 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 as it would not constitute a significant departure from 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is subject to objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application relates to a residential property at the eastern edge of the village of Fenwick. The site comprising a residential property and associated ground extending to some 2522m<sup>2</sup> in area. The applicant has certified ownership of the agricultural field to the south west of the application site. The site is bound to the north by Kirkton Road, to the east and west by residential properties and to the south by agricultural land beyond which are other residential properties.

2.2 **Proposed Development:** Full planning permission is sought on a partially retrospective basis for the erection of a steel framed building. The frame of the building is on site although its external finish is to comprise a white render finish to match the dwellinghouse and a green/grey roof cladding with rooflight. The north eastern elevation will incorporate an external access door.

2.3 The applicant has advised that the garage will be used for the storage of his father-in-law's classic cars in addition to garden equipment and children's toys. He has confirmed that he does not intend to operate a commercial business from the premises.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division has no objections to the proposals.

***Noted.***

3.2 Scottish Water advise that a totally separate drainage system of foul and surface water sewers will be required and that the proposed development should be served by both foul and surface water sewers. The applicant should also ensure that any new internal or external pipework is connected to the correct drain or sewer. In addition, Scottish Water advise that a Technical Advisor is available for consultation purposes where specialist advice is required. Where advice is sought, separate agreement may apply to this service which will be charged at the rate indicated in Scottish Waters scheme of charges (West Area).

***Noted. If Members recommend that permission be granted, an advisory note relative to the above can be attached to any decision.***

3.3 The Coal Authority have no identified any instability issues that would affect the determination of this application.

***Noted.***

3.4 SEPA have no objections in principle to the proposed development on the understanding that foul drainage is connected to the public sewer.

***Noted.***

3.5 Fenwick Community Council has not responded to their consultation at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS RECEIVED**

Four letters of objection have been received from neighbours. The points of objection are as follows:

4.1 The heavy steel frames and roof of this building were constructed several years ago without planning permission. The Planning Authority were advised of this but seemingly have taken no further action. The building should be removed until planning permission is received.

***Noted. This Division received complaint from neighbouring residents in 1997 concerning the erection of the steel framed building. Following a site inspection the applicant was advised that planning permission would be necessary and was requested on a number of occasions to submit an application. Such application was not forthcoming until the present submission was received. It is not at present Council procedure to require an applicant to remove a structure pending the submission of a planning application in circumstances where there is the potential for a favourable recommendation. Enforcement action could be taken if Members do not grant planning permission.***

4.2 Whilst there would be no objections to a domestic garage the size and type of construction used in this building would suggest that it is intended for industrial use with possible noise and pollution resulting. This is not consistent with surrounding residential properties.

***The applicant has confirmed that it is not intended to use the building for industrial/commercial use as detailed in paragraph 2.2 above. The building is significantly larger (increase height and overall scale) than a standard domestic garage. The overall size and scale of the building is more akin to an agricultural/industrial shed. The property is adjacent to boundaries next to residential properties although it is located at the edge of the settlement boundary of Fenwick next to the countryside.***

4.3 The weight of the existing structure could be responsible for severe damage to a retaining wall approximately 2 metres away and in adjoining residential property. This in turn could damage a garage which is sited alongside this retaining wall but not shown on the plan. A survey report undertaken seems to infer that the garage could be a major factor in damage to the retaining wall.

***Noted. However this is a legal matter and not a material planning consideration. It would be a matter for relevant land owners to resolve.***

4.4 The planning application states “erection of steel framed outbuilding”. Since the steel frames and roof of a large building have already been constructed without planning permission, does this application mean the completion of the existing building retrospectively or construction of a completely new building?

***The application is in part retrospective because the frame has been erected. Consent is sought both for that frame and for the remainder of the structure, principally the new rendered concrete block walls.***

4.5 Glenraig is a private residence and no application for a change of use for business/industrial purposes has been made. For some years now a large number of used cars have been stored on this property. Whilst few remain, it is still of concern that the building if completed, may be used for industrial purposes.

***Noted. The applicant is applying for a building for domestic purposes and if the Committee choose to grant planning permission, it is recommended that this be conditional on no business activities being carried out from within the building.***

4.6 The previous application stated “erection of steel framed outbuilding” whilst correspondence from Planning and Building Control stated “steel framed domestic garage and workshop”. The most recent neighbour notification for the present application states “erection of steel framed garage”. It is queried as to whether all parties now have the same description”.

***The description on the application form is “steel framed domestic garage and store”. The consultations have been undertaken on the***

***basis of that description and objections to the application have been acknowledged also on that basis.***

## **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 (1999) and the Adopted East Ayrshire Local Plan, (EALP).

5.2 The Structure Plan addresses development issues at a more strategic level than is proposed in this instance. On assessing the details of this application against the provisions of the EALP, Policy ENV7 is relevant.

5.3 This Policy states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Such provision aims to ensure a high standard of design for new development in line with Council advice and guidance.

***It is considered that the proposal meets the provisions of Policy ENV7 and the Council's Design Guidance. Whilst the building is of large scale and is a design akin to agricultural property, the site lies at the settlement boundary of Fenwick bounding agricultural land. The applicant has made a concerted effort to limit the overall scale and relate the building to the house with the use of rendered external walls.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation replies and letters of representation detailed above and the impact on the amenity of the area.

### Consultations

6.2 The consultation responses do not offer any objection to the proposed development.

### Representations

6.3 The issues raised by the objectors have been assessed in Section 4 of this report. The issues raised are considered to be of insufficient weight to justify the refusal of the application in this instance.

## Impact on the Amenity of the Area

6.4 The circumstances of the development as detailed in this report are such that it is considered capable of being accommodated without detriment to the existing dwellinghouse at Glenraig or neighbouring properties.

## **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 indicated at Section 5 of this report, Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 In terms of the application, the consultation responses received are supportive. The submitted letters of objection are noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without detriment to the surrounding area and the material considerations are therefore also supportive of the proposal.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTE**

Should the Committee agreed that the application be refused 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 as it would not constitute a significant departure from policy.

**Alan Neish**  
**Head of Planning and Building Control**

03 June 2003  
(FMF/MMM)  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Representation.
5. East Ayrshire Council Design guidance (2001).
6. Adopted East Ayrshire Local Plan.
7. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

030143FL

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0143/FL

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Site of Proposal:                      Glencraig  
  Kirkton Road  
  Fenwick  
  Kilmarnock     KA3 6DA

Nature of Proposal:                   Proposed Erection of Steel Framed Domestic  
  Garage and Store

Name & Address of Applicant:       Mr B Dobson  
  Glencraig  
  Kirkton Road  
  Fenwick  
  Kilmarnock     KA3 6DA

Name & Address of Agent:

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DPOs Reference: FMF/MMM

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

1. The garage and store hereby approved shall be used for domestic purposes only and not for commercial use without the prior written approval of the Planning Authority.

REASON     In the interests of the residential amenity of neighbouring properties.

Note to Applicants:

1. Scottish Water advise that a totally separate drainage system of foul and surface water should be provided.

**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.**