

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MAY 2003**

**02/0893/FL: PROPOSED ERECTION OF ROOF OVER SILAGE CLAMP  
AT TOWERHILL FARM, KILMAURS  
BY MR J McFADZEAN**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to construct a roof over these clamps with protective panels descending from the eaves of the roof to the top of the clamps. The overall effect would be of a solid building 7.2m high to the eaves and approximately 29m long. The proposed finishing materials are detailed as standard steel cladding with a roof of fibre cement sheeting. The proposed building is designed to join a shed over another silage clamp to the north of the pair of clamps involved in this application. That shed will be constructed under Permitted Development Rights conferred on farmers by the Planning legislation (see Para 6.4 below).

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report there are no applicable policies in the Adopted East Ayrshire Local Plan and therefore greater weight should be attached to other material considerations.

3.2 There are material considerations relevant to the determination of this application. Principally these comprise of the impact of a structure of the height proposed. On balance these considerations are considered not to indicate that the application should be refused. The submitted letters of objection are noted but are not considered to be of sufficient weight to justify refusal in the context of available permitted development rights and the potential to secure boundary improvements.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, it will not require to be referred to the Development Services Committee as there would be no 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 a full application for planning permission which requires to be considered by the Local Planning Committee under the scheme of delegation because it has been subject to objections.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is an existing operating farm at Towerhill on the east side of Crosshouse Road, Kilmaurs. The existing steading has a large area of hardstanding to the east of the farmhouse where existing silage clamps are situated. This particular area is abutted directly on the east side by a new housing development which is nearing completion. Silage clamps are a means of storing silage and the area is characterised by three large walled enclosures that are open on one end for the purposes of access. These enclosures are approximately 3m in height with a 1m high railing. There is a linked pair of clamps situated broadside to the adjacent residential area presenting an elevation of 23m to the houses. The nearest houses are approximately 16.5m from the existing clamps. Typically when in use fully packed with silage the total height of the stored and weighed down silage would be higher than 4.0m.

2.2 **Proposed Development:** It is proposed to construct a roof over these clamps with protective panels descending from the eaves of the roof to the top of the clamps. The overall effect would be of a solid building 7.2m high to the eaves and approximately 29m long. The proposed finishing materials are detailed as standard steel cladding with a roof of fibre cement sheeting. The proposed building is designed to join a shed over another silage clamp to the north of the pair of clamps involved in this application. That shed will be constructed under Permitted Development Rights conferred on farmers by the Planning legislation (see Para 6.4 below).

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Environment Protection Agency have confirmed that they have no objection in principle to the application. All surface water should be conveyed to the existing farm surface water drainage system.

***Noted. A condition can be attached to any grant of planning permission regarding surface water drainage.***

3.2 East Ayrshire Council's Environmental Health and Waste Management Division have advised that they have no comment to offer in respect of the application.

***Noted.***

3.3 Kilmaurs Community Council have not responded at the time of writing the report.

***Noted.***

### 4. REPRESENTATIONS

4.1 Three letters of objection have been submitted from six individuals in respect of this application. The objectors live in the new housing development adjacent and to the east of Towerhill Farm. The grounds of objection vary but relate heavily to the issue of the scale of the building that is proposed as follows:

4.2 The height of the building is such that it will have an overpowering impact on the area and in particular on the houses immediately adjacent to the application site.

***Noted. It is agreed that the proposal will have an impact on the outlook/amenity of these properties. Without prejudice to the recommendation, the matter was taken up with the applicant and it was impressed on him to investigate alternative solutions. The Scottish Agricultural College, on behalf of the applicant has confirmed the necessity for the height of the proposed buildings to comply with British Standards (BS 5502: Part 75: 1993). Their response is expanded upon below in para 4.6.***

4.3 Restrictions were attached to the maximum height of the houses within the new development, similar restrictions should be enforced in this instance.

***Noted. The objector in this instance is referring to guidance applied to residential developments. The application of those guidelines in respect of this agricultural application would be inappropriate.***

4.4 The proposal would reduce the value of our property

***Property values are not a material planning consideration.***

4.5 The water run off from the building may result in additional drainage problems in the housing area.

***Noted. The question of drainage is not anticipated to be a significant issue in this instance. As stated above, SEPA are satisfied with the proposal. SEPA have confirmed that all surface water should be conveyed to the existing farm surface water drainage system.***

4.6 The applicants have, through their agent, submitted additional information in support of the application. The main points can be summarised as follows:-

The roofing and containing of the silage clamp reduces the amount of rainfall running through the silage, thus reducing the quantity of silage effluent which is acidic and polluting. If this is not reduced it will add to existing runoff on site which requires to be collected and contained in accordance with the Control of Pollution Regulations. The ability to avoid the collecting and containing of this additional effluent will reduce the risk of pollution and cut down on the number of times the containing tanks require to be emptied, a process which can cause nuisance to neighbours.

***By minimising the risk of pollution the applicant is following evidence recently published by the Scottish Executive.***

***Additionally the applicants have confirmed a willingness to have the building finished in a colour to soften the impact of the building and introduce planting along the boundary with the houses again in an effort to reduce its impact.***

***The height of the building is commensurate with that required to facilitate the normal working practice of compacting the silage within the clamps. This entails driving over the silage with a tractor and roller. The height of the building just meets the minimum clearance requirements.***

According to BS 5502: Part 75: 1993, where a store is roofed, the height of the roof, framework, haunches and any gable cladding should be such as to allow the safe working of loading, unloading and compaction.

***Allowing for the depth of rafter and haunches, SAC's recommendation is for a clear internal height of 6.6m; the scheme allows for 6.8m.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 & 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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).

5.2 The Structure Plan addresses issues at a more strategic level than is applicable in this instance and there are no relevant policies in the EALP against which to assess the details of this application. Accordingly, greater weight should be given to the other material considerations as identified in Section 6 of the report.

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

6.1 The principle material considerations in the assessment of this application are the Consultations, letters of representation and the Permitted Development Rights of Farmers in respect of agricultural buildings and operations as referred to above.

### Consultations

6.2 The consultation responses received are as detailed above and are generally supportive of the application.

### Representations

6.3 The objections received raise one main valid consideration - the scale of the building.

***The circumstances of this application are somewhat unusual in that it involves the relationship between new housing and an existing operating farm.***

***In terms of the bulk of the building it is considered that given the separation distance from the houses it is acceptable. The perceived overshadowing problem is not considered to be as extensive as suggested. Additionally the proposal will assist in screening the open aspect of the existing silage clamps, and bring the working***

***practices on the farm up to date in terms of Good Practice for the Prevention of Environmental Pollution.***

***Accordingly it is considered that these aspects combine, in the view of this Division, to merit a favourable recommendation.***

6.4 The Town and Country Planning (General Permitted Development) (Scotland) Order 1992

***The above Order confers Permitted Development rights on Agricultural Operations. The applicant could, in slightly different circumstances construct the building which is the subject of this application without the requirement of Planning Permission. Having exercised the permitted development rights for one shed as referred to in para 2.2, there is a time restriction of 2 years before those rights can be used again. Hence the submission of the planning application. If the applicant chose to use those rights there would be no facility of considering the impact on the amenity of the adjacent housing area. Consequently there would be no opportunity for additional works to the benefit of that area. This aspect adds additional weight in favour of a recommendation of approval for the planning application.***

## **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 in Section 5 of the report there are no applicable policies in the Adopted East Ayrshire Local Plan and therefore greater weight should be attached to other material considerations.

8.2 There are material considerations relevant to the determination of this application. Principally these comprise of the impact of a structure of the height proposed. On balance these considerations are considered not to indicate that the application should be refused. The submitted letters of objection are noted but are not considered to be of sufficient weight to justify refusal in the context of available permitted development rights and the potential to secure boundary improvements.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, it will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

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

07 May 2003  
(IW/MMM)

### **LIST OF BACKGROUND PAPERS**

1. Application Forms and Plans.
2. Statutory Certificates.
3. Consultations.
4. Representations.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

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

***Implementation Officer: Dave Morris***

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## EAST AYRSHIRE COUNCIL

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

02/0893/FL

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Site of Proposal:	Towerhill Farm Crosshouse Road KILMAURS
Nature of Proposal:	Proposed Roof Over Existing Silage Clamp
Name & Address of Applicant:	Mr J McFadzean Towerhill Farm Crosshouse Road KILMAURS KA3 2SE
Name & Address of Agent:	SAC Building Design Scottish Agricultural College Building Design Services Auchincruive AYR KA6 5HW

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DPOs Reference: IW/MMM

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

1. Notwithstanding the plans hereby approved, the external walls of the building shall be finished in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

2. Details of a planting screen, including species and numbers of shrubs/trees, along the eastern boundary delineated green on the approved plan shall be submitted to for approval by the Planning Authority within one month of the date of consent and thereafter implemented during the first available planting season. Any trees removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of a similar size and species.

REASON In the interests of residential amenity.

3. All surface water emanating from the new structure shall be conveyed to the existing farm surface water drainage system.

REASON In the interests of public safety.

**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.**