

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 29 NOVEMBER 2002**

**02/0541/FL: PROPOSED CHANGE OF USE FROM STORAGE OF TAXIS/MINIBUSES TO A MOBILE WELDING AND FABRICATION FIRM AT FORMER TARGET BUILDING, GREENHOLM ROAD, CUMNOCK**

**APPLICATION BY R. & C. FINDLAY**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for a change of use of the existing premises from its previous use for the storage of taxis and minibuses to use in connection with the operation of a mobile welding and fabrication business. Supporting information has been submitted with the application indicating that the premises are to be used for the fabrication of skips and as a base for the operation of a mobile welding business for the maintenance of plant and machinery off the premises.

1.2 The proposal is retrospective as the premises are already in use for the aforementioned purposes, this having come to light following a formal complaint and investigation by the Enforcement Officer. The applicants' agent has also submitted a letter in support of the development, and while recognising the fact that the development departs from current policy, seeks approval for a temporary period of two years.

**2. RECOMMENDATION**

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

**3. SUMMARY OF ANALYSIS**

3.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) presume against the application.

3.2 However, the proposed development, albeit industrial in nature, is being undertaken within an area of mixed uses. Given the scale of the existing

operation, it is considered that this use would be of no greater detriment to surrounding properties than the existing uses being undertaken within the immediate vicinity of the application site.

3.3 Although this use has been drawn to the attention of the Enforcement Officer through a formal complaint, this complaint related to the fact that people were using skips stored within the site to deposit waste without the consent of the operator of the business. The complaint did not concern the operation of the business itself. No further complaints have been received by the Planning Division in respect of the operations undertaken at the application site and no third party representations have been received objecting to the development. Furthermore, no adverse consultation replies have been received in respect of the application.

3.4 It is noted that the business currently provides employment for four people. In this instance therefore, a temporary grant of planning consent for a period of two years is considered appropriate, subject to appropriate conditions to minimise any adverse impacts. This would allow the operator of the business time to seek more appropriate premises for the operation of the business and to relocate to a site more specifically suited to this type of business operation.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not be required to be referred to the Development Services Committee for determination as such a decision would not be a significant departure from 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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**APPLICATION BY R. & C. FINDLAY**

**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 as the proposal is contrary to policy and is recommended for approval.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises an existing building and its curtilage which lies on the south side of Greenholm Road in Cumnock, some 50 metres east of the junction of Greenholm Road with Glaisnock Street. The site is bounded to the north by Greenholm Road and the Central Garage, by vacant land to the east, and by the rear curtilages of commercial properties on Glaisnock Street to the west.

2.2 **Proposed Development:** Full planning permission is sought for a change of use of the existing premises from its previous use for the storage of taxis and minibuses to use in connection with the operation of a mobile welding and fabrication business. Supporting information has been submitted with the application indicating that the premises are to be used for the fabrication of skips and as a base for the operation of a mobile welding business for the maintenance of plant and machinery off the premises.

2.3 The proposal is retrospective as the premises are already in use for the aforementioned purposes, this having come to light following a formal complaint and investigation by the Enforcement Officer. The applicants' agent has also submitted a letter in support of the development, and while recognising the fact that the development departs from current policy, seeks approval for a temporary period of two years.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 Scottish Water has no comments to make on the proposal.

***Noted.***

3.2 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to conditions to be included on any consent granted. Those conditions would relate to :

- Any access gates will require to open inwards away from the public road;
- Access to and egress from the site will require to be taken in forward gear;
- No surface water must be allowed to discharge onto the public road;
- No vehicles associated with the business shall be parked on the public road

***Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads Division.***

3.3 Cumnock Community Council has not yet responded to the consultation letter.

***Noted.***

#### **4. REPRESENTATIONS:**

4.1 None

#### **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 Cumnock and Auchinleck Local Plan (1992). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Policy 25 of the Adopted Local Plan states that development which is detrimental to the amenity and enjoyment of nearby dwellinghouses will not be permitted within areas of mixed uses.

***The fabrication of skips and welding are uses which it is considered could have a detrimental impact on residential properties. Although the application site lies in proximity to residential properties in Glaisnock Street, there are no residential***

***properties bounding the site. It is considered that the proposed development will not have any significant impact on residential properties in the locality.***

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

6.1 The other principal considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2001, the site's planning history, and the consultation responses.

### East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 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 East Ayrshire Local Plan (Finalised Version with Modifications), (EALP) should be considered as a prime material consideration.

6.3 Policy IND 6 of the EALP provides that all proposals for new industrial/business developments on land not specifically identified for such purposes will require to be justified against a series of set criteria, including:-

(i) locational need

***No site specific locational need has been identified in respect of the proposal.***

(ii) availability of alternative land/premises in established industrial areas.

***No information has been given to suggest that no land or premises are available within established industrial areas***

(iii) economic benefit

***It is considered that the proposed business would be of limited economic benefit to the surrounding area although the business provides employment for four people.***

(iv) impact on surrounding environment and adjacent uses

***The fabrication of skips and welding are uses which it is considered could have a detrimental impact on residential properties. Although the application site lies in proximity to residential properties in Glaisnock Street, there are no residential properties bounding the site. It is considered that the proposed development, in terms of the current scale of operations, will not have any significant impact on residential properties in the locality. The area in which the application site is located is***

***predominantly commercial in nature with a series of mixed uses including a car showroom, an associated vehicle repair workshop and MOT testing station, vacant land and other mixed use premises. It is considered that the proposed use would not have a significant impact on the environment and adjacent uses.***

- (v) transportation and infrastructure implications

***The Roads and Transportation Division has not objected to the proposal.***

***However, it is therefore considered that the proposal is not fully consistent with the terms of Policy IND 6.***

### Planning History

6.4 The more recent and relevant planning history of the application site is as follows:

- (i) CD/82/225: Change of use from coachworks to warehouse and retail outlet for the sale of carpets: Approved 01 November 1982.
- (ii) 00/0074/FL: Change of use from warehouse to use for the storage of taxis and minibuses: Approved 24 March 2000.

### Consultations

6.5 No consultation replies have been received that would indicate the application should be refused on that basis alone.

***Noted.***

## **7 FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council in the determination of this application. If the application is refused, the Council's Enforcement Officer would act to secure the cessation of the use that has already commenced on site.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of the application. In this regard, the provisions of the

East Ayrshire Local Plan (Finalised Version with Modifications) presume against the application.

8.2 However, the proposed development, albeit industrial in nature, is being undertaken within an area of mixed uses. Given the scale of the existing operation, it is considered that this use would be of no greater detriment to surrounding properties than the existing uses being undertaken within the immediate vicinity of the application site.

8.3 Although this use has been drawn to the attention of the Enforcement Officer through a formal complaint, this complaint related to the fact that people were using skips stored within the site to deposit waste without the consent of the operator of the business. The complaint did not concern the operation of the business itself. No further complaints have been received by the Planning Division in respect of the operations undertaken at the application site and no third party representations have been received objecting to the development. Furthermore, no adverse consultation replies have been received in respect of the application.

8.4 It is noted that the business currently provides employment for four people. In this instance therefore, a temporary grant of planning consent for a period of two years is considered appropriate, subject to appropriate conditions to minimise any adverse impacts. This would allow the operator of the business time to seek more appropriate premises for the operation of the business and to relocate to a site more specifically suited to this type of business operation.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed 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, the application will not be required to be referred to the Development Services Committee for determination as such a decision would not be a significant departure from Council policy.

Alan Neish  
Head of Planning and Building Control  
19 November 2002  
HM/HM

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices and Certificate.
3. Consultation responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted Cumnock and Auchinleck Local Plan.
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. Approved Strathclyde Structure Plan
8. Previous applications CD/82/255 and 00/0074/FL

Any person wishing to inspect the background papers listed above, should contact Mr Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0541/FL

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Location	Former Target Building, Greenholm Road, Cumnock, KA18 1JP
Nature of Proposal:	Proposed change of use storage of taxis/minibuses to a mobile welding and fabrication firm
Name and Address of Applicant:	R & C Findlay, 89 Glaisnock Street, Cumnock, KA18 1BX
Name and Address of Agent	<a href="#">Nicoll Design, 184 Main Street, PRESTWICK, KA9 1PG</a>

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DPO's Ref: [Hugh Melvin ]  
PPO's Ref; [ ]

The above [FULL](#) application should be approved subject to the following conditions:-

1. Permission is hereby granted for a limited period of two years from the date hereof, and the use shall be discontinued and the land restored to its former condition at the expiration of this period unless a further permission is granted.

REASON – To allow the planning Authority to review the operation of the business in the interests of amenity and to allow the applicant time to seek alternative premises more suited to this type of business.

2. No welding, maintenance or repair of skips or other articles of plant or machinery shall be undertaken outwith the existing premises.

REASON – In the interests of amenity.

3. The hours of operation for business activities undertaken on site shall be restricted between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1200 hours on Saturdays. No on site business activities shall take place on Sundays.

REASON – In the interests of amenity.

4. The temporary use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, smell or general disturbance.

REASON – To safeguard the amenity of the area.

5. With the exception of skips awaiting repair or uplift, no storage of materials shall take place outwith the existing building. All waste generated by on site activities shall be disposed of in an appropriate licensed waste disposal site.

REASON – To safeguard the amenity of the area.

6. Any loading and unloading of vehicles which may be required in connection with the use of the building and site shall take place within the curtilage of the site.

REASON – To safeguard the amenity of the area.

7. Any access gates will require to open inwards away from the public road.

REASON – In the interests of public road safety.

8. No surface water must be allowed to discharge onto the public road.

REASON – In the interests of public road safety.

9. Access to and egress from the site shall be taken in forward gear.

REASON – In the interests of public road safety.

10. The applicant shall take all necessary precautions to prevent the discharge of oils, resulting from spillage or maintenance activities undertaken within the site, from entering any watercourse.

REASON – To prevent any contamination of watercourses.

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VIEWING PLEASE CONTACT (01563) 555320.**