

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 FEBRUARY 2007

**06/1111/FL: CHANGE OF USE FROM STORE TO M.O.T GARAGE
AT 17 BROWN STREET, NEWMILNS
BY FLEETPOINT LTD.**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application relates to the change of use of the existing storage building to form an M.O.T garage at 17 Brown Street in Newmilns. The development proposes to take access from the existing entrance to the site located in Brown Street. The hours of operation proposed by the applicant are Monday to Friday 08:30 – 17:30 and Saturday 08:30 – 12:30.

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 the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that not would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

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, Development and Building Standards

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, due to the fact that objections have been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is currently occupied by a vacant storage building and associated office building at 17 Brown Street in Newmilns. The application site, measuring approximately 524 square metres, is bounded to the north by Brown Street, to the west by the residential property at 19 Brown Street and to the east by residential property at 15 Brown Street. The application site is bounded to the south by open space. Entrance to the site is taken from the existing access from Brown Street which leads to the existing yard area.

2.2 **Proposed Development:** The application relates to the change of use of the existing storage building to form an M.O.T garage at 17 Brown Street in Newmilns. The development proposes to take access from the existing entrance to the site located in Brown Street. The hours of operation proposed by the applicant are Monday to Friday 08:30 – 17:30 and Saturday 08:30 – 12:30.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal.

Noted.

3.2 East Ayrshire Councils Environmental Heath Section has no objection to the proposal.

Noted.

3.3 Newmilns and Greenholm Community Council has not commented on the application.

Noted.

3.4 The Health and Safety Executive has no objection to the proposal.

Noted.

3.5 Scottish Power has no objection to the proposal.

Noted.

3.6 Scottish Water has offered no objection to the proposal. However, Scottish Water has stated that the proposal may require the provision of an oil interceptor prior to discharge to the public sewer.

Should planning consent be granted, the applicant will be advised to contact Scottish Water regarding this issue.

4. REPRESENTATIONS

Three letters of objection were received, from four parties, in connection with the proposal and are summarised below;

4.1 The workshop will result in the street being littered with cars and I will not be able to get parked.

The Council's Roads and Transportation Division has not raised any objection to the proposal. In addition, the Roads Division has not made any adverse comment regarding on street parking at the proposed site. It is considered that on street parking is an issue for Strathclyde Police.

4.2 My understanding is that Fleetpoint has a guard dog running about the yard, as the yard area is used for bin access I do not want a dog in the yard.

Any shared access through the yard area would be a civil matter between the applicant and any other parties involved. The Council's Environmental Health Section has advised that whilst the presence of a dog in itself is not a problem, should the dog behave aggressively the objector may have grounds for raising an action under Section 49 (Dangerous and Annoying Creatures) of the Civic Government (Scotland) Act 1982 seeking an order from the courts for

the removal of the animal. In addition, it could be considered that Strathclyde Police may have concerns where a dog was behaving aggressively.

4.3 Currently we have to tolerate a huge volume of heavy traffic, if customers of the M.O.T. centre will be parking on Brown Street then residents will have problems parking in Brown Street.

The Council's Roads and Transportation Division has not offered any adverse comments regarding the proposal. Any issues regarding on street parking would be a matter for Strathclyde Police.

4.4 Will the business operate at weekends? Weekends are the only time that we get peace and quiet from the traffic.

At the weekends, the applicant proposes to operate the business for only half a day, on a Saturday morning between 08:30 and 12:30. Should planning consent be granted an appropriate planning condition can be attached restricting the hours of operation of the business.

4.5 Depending on the type of vehicles there could be an increase in noise and exhaust fume pollution due to the proposed M.O.T station.

The Council's Environmental Health Section has not offered any objection to the proposal or any comments regarding noise or pollution.

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 Adopted East Ayrshire Local Plan (2003).

Adopted East Ayrshire Local Plan

5.2 Policy IND 6 requires all proposals for new industrial or business development on land not specifically identified for such purposes on the Local Plan maps and changes of use of existing premises to industrial or business use to be justified against a set of eight separate criteria. In this instance five of the eight criteria are applicable:-

- (i) locational need ;

The applicant has confirmed that there has been an established industrial and/or storage use on the site for a period of more than ten years. Currently the site is used for storage and the proposal is to change the use to an MOT garage. It is considered that since the site has a history of commercial use and an historic general industrial use then a locational need is justified in this instance.

- (ii) availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply

It is considered that, as the proposal is for a change of use on a site with a history of general industrial and storage use, the applicant does not require to demonstrate alternative business premises in this instance.

- (iii) economic benefit

It is considered that the proposal would result in economic benefit to the area.

- (iv) impact on surrounding environment and adjacent uses

Whilst it is acknowledged that the site is located in a predominantly residential area, the site has a long established industrial use. To mitigate the impact of the proposal on the surrounding environment a condition relating to the hours of operation of the business can be attached to any planning consent.

- (v) transportation and infrastructure implications

The Council's Roads Division has offered no objections to the proposal.

5.3 It is considered that the proposal conforms with Policy IND 6 of the Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The representations received have been summarised in Section 4 of the Report and are not considered to be of such weight as to merit refusal of the application.

Impact on the Amenity of the Area

6.4 It is acknowledged that the application site is located in a predominantly residential area. However, given that the proposal is for a change of use on a site that has a history of industrial and storage use it is considered that the proposal would not result in a detrimental effect on the amenity of the area.

Planning History

6.5 Planning permission (KL/W/FL/76/310L) was granted on 14 January 1993 for the erection of three dwellinghouses.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council arising from this application.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions.

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, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

JL/RH
06 February 2007

FV/DVM

Alan Neish
Head of Planning, Development and Building Standards

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer, on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/1111/FL

Site of Proposal: 17 Brown Street
NEWMILNS

Nature of Proposal: Change of Use from Storage to M.O.T. Garage

Name & Address of Applicant: Fleetpoint Ltd
3 Burn Place
Darvel

DPOs Reference: JL/RH

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

1. The use of the premises for the activity hereby approved shall only take place between 08:30 to 17:30 Monday to Friday and 08:30 to 12:30 on a Saturday. And at no time on a Sunday.

REASON: To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

2. Prior to the commencement of the use hereby approved, details of a screen boundary feature along the west boundary of the site, shall be submitted to and approved by the Planning Authority. The boundary feature shall thereafter be erected as approved prior to the commencement of the use.

REASON In the interests of residential amenity.

Notes

1. The applicant is advised to make contact with Scottish Water (0845 601 8855) as the proposal may require the provision of an oil interceptor.

2. The applicant is advised to make contact with SEPA (01355 574688) as no substance may be discharged to the public sewerage system which is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents or be prejudicial to health.

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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.**