

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 25 JUNE 2004

**04/0367/FL: PROPOSED ERECTION OF NEW BUS GARAGE TO
ACCOMMODATE FOUR COACHES, LOAN GARAGE,
THE LOAN, MAUCHLINE**

APPLICATION BY MR & MRS W. MILLIGAN

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a new garage building measuring some 28 metres in length by 9.3 metres in width. The garage building will have a dual pitch roof with a height to the ridge of approximately 7 metres. With a floor area of some 260 square metres, the premises would be capable of garaging four full-length coaches. The applicant has confirmed that the number of coaches operating from the extended facility will not be increased as a result of the proposed development. The applicant has stated that the proposed garage is to be used only for the storage of vehicles in the interests of security.

1.2 The garage will be located immediately adjacent to an existing large shed/ workshop building, currently used for the service and maintenance of the applicant's vehicles. The proposed garage will be finished externally in a combination of concrete blockwork with a steel cladding and the roof will be a roof panel system designed to give an appearance of terracotta roof tiles.

2. RECOMMENDATION

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

3. CONCLUSIONS

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, it is considered that the representations made and the planning history of the site could presume against the application.

3.2 The applicant has provided information that indicates that the proposed erection of the garage and its use would not significantly impact on the existing residential properties at Loanhill Avenue through noise, fumes or vibration. The applicant seeks to provide additional garage space to accommodate vehicles in the interest of security.

3.3 The proposed garage, in terms of its design, has been improved on by the applicant. With the incorporation of measures to address vehicle emissions from within the garage and appropriate dispersal to the air, it is considered that the proposed garage would in fact help to mitigate current impacts of noise, vibration and visual amenity and would therefore not result in unacceptable additional adverse impact on adjacent residential properties.

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 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, 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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APPLICATION BY MR & MRS W. MILLIGAN

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 as the application is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a generally flat area of ground which lies adjacent to the existing coach hire operator's premises and yard at The Loan. It also lies to the rear of residential properties on Loanhill Avenue in Mauchline. The application site was formerly occupied by a number of greenhouses in use as a market garden, although coaches are parked on part of the site. The application site would be accessed via the existing coach operator's yard. It is presently accessed via a private access road from Loanhill Avenue. The site is separated from the rear gardens of the properties on Loanhill Avenue by a narrow access road serving the rear of those properties.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a new garage building measuring some 28 metres in length by 9.3 metres in width. The garage building will have a dual pitch roof with a height to the ridge of approximately 7 metres. With a floor area of some 260 square metres, the premises would be capable of garaging four full-length coaches. The applicant has confirmed that the number of coaches operating from the extended facility will not be increased as a result of the proposed development. The applicant has stated that the proposed garage is to be used only for the storage of vehicles in the interests of security.

2.3 The garage will be located immediately adjacent to an existing large shed/ workshop building, currently used for the service and maintenance of the applicant's vehicles. The proposed garage will be finished externally in a combination of concrete blockwork with a steel cladding and the roof will be a roof panel system designed to give an appearance of terracotta roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to the condition that no construction vehicles or other vehicles associated with the business shall be parked on the public road (Sorn Road or The Loan) during the construction of the garage.

Noted.

3.2 East Ayrshire Council Environmental Health and Waste Management Service has no objections in principle to the proposal. The agent for the applicant has been in discussions with the Service regarding the extraction system for the garage and it would appear to be satisfactory. The rating of the system (once details are finalised) should be passed to this Service for perusal. The Service is of the opinion that there will be adequate dispersal of any discharged fumes from the flue; however it remains the case that any complaint of nuisance received by this Service will require to be fully investigated. The construction should be carried out at such times, and in a manner, as will not give rise to nuisance. Waste generated from the construction should be disposed of to the satisfaction of the Waste Management Authority. The base of the building should be of impervious material in order to ensure that spillages of fuel do not result in contamination of the subsoil.

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

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided the drainage arrangements are to its satisfaction. Roof drainage should be discharged to a soakaway arrangement. Any contaminated drainage arising from the site should be connected to the existing foul sewer to the satisfaction of Scottish Water.

Should the application be approved, a note can be attached to the planning permission in respect of the above matter.

3.4 Scottish Water advises that a totally separate drainage system of foul and surface water sewers will be required for the development. The applicant must consider the implementation of a Sustainable Urban Drainage System within the proposed drainage design.

Should the application be approved, a note can be attached to the planning permission in respect of the above matter.

3.5 Mauchline Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.6 West of Scotland Archaeology Service states that no known archaeological issue is raised by the proposed development.

Noted.

3.7 East Ayrshire Department of Educational and Social Services has no objection to the planning application.

Noted.

3.8 Power Systems has no objections to the proposed development provided that the works do not interfere with its cables and apparatus.

Should the application be approved, a note can be attached to the planning permission in respect of the above matter.

4. REPRESENTATIONS

4.1 Four letters of objection with seven signatories have been received (one letter bears no contact address). The grounds of objection can be summarised as follows:-

4.2 We strongly object as the fumes from buses are belching out of the garage they already have when starting up and being fired ready for use.

It is the construction of a new garage within the existing yard that is under consideration, not the merits of the location of the existing business that has been established for some considerable time. The applicant has indicated that the erection of the new garage will not result in any increase in the number of coaches operating from the site. The erection of the new garage will therefore not exacerbate the current situation on site.

4.3 There is the electrical sub-station and high tension cables which run between the sub-station through the bus depot and across the road to the school. For safety reasons we do not think any part of the site is suitable at all for a fleet of buses.

The presence of the electrical sub-station and existing cables within the site is acknowledged. However, Power Systems has no objections in principle to the proposed development, although the applicant will require to seek guidance from Power Systems regarding any diversion or protection works required in this case.

The issue of safety is noted. However, no objections on road safety grounds have been received either from the Roads and Transportation Division or the Department of Educational and Social Services.

4.4 The development is against the guidelines of East Ayrshire Council's own Local Plan which identifies two sites locally for industrial use.

The assessment of the proposed development against the provisions of the East Ayrshire Local Plan is given in section 5 of this report. It is considered that the proposed development accords with the East Ayrshire Local Plan. The applicant seeks to expand on the existing site, not relocate to a different site.

4.5 It is noted that the applicant has commissioned a noise and vibration report which states that the noise pollution between the hours of 0700 and 2300 would be within the current guidelines if new housing was being built. This is not the case here as houses we occupy were bought before any expansion of the business.

The noise and vibration survey submitted by the applicant makes reference to noise exposure categories when considering new residential developments. Advice is given in Planning Advice Note 56 – Planning and Noise, whereby the survey information provided suggests that the level of noise that would arise from the proposed development is such that if new residential development was being proposed at the current distances between the development and closest properties on Loanhill Avenue, noise need not be taken into consideration as a determining factor in granting permission for the residential development. The conclusion that is drawn is that the level of noise resulting from the proposed development and use of the proposed garage would not result in significant detrimental impact through noise.

4.6 The report also states that there would be no noise between 2300 and 0700; this is not the case in our experience, especially during the Summer tour season and consequently the recommended noise levels would be breached.

While it is accepted that there will be some activity within the garage site during night time hours through vehicles returning to the garage depot, the average noise levels are unlikely to be breached. It should be noted that these activities are already taking place within the garage site. It is considered that in some respects, the erection of the new garage may serve as an acoustic barrier and reduce existing noise emanating from the site.

4.7 Without extreme bracing to the metal panelling or thick insulation to a metal shed, noise pollution will be greatly increased; the sound of any vehicles starting up in the morning will be amplified by such a structure.

The noise and vibration survey submitted as part of the application takes into consideration the potential use of sound insulating panels and suggests that an un-insulated lightweight

metal clad shed could be adequate to contain the noise from idling buses. The report also recommends that the panels of the shed should be supported at regular intervals as large unsupported panels have low natural frequencies which if they do vibrate, produce unpleasant noise effects. The submitted details of the proposed garage reflect the recommendations of the survey report.

4.8 The fan assisted venting of exhaust gases from the garage will concentrate these gases in the venting area to the rear of the building, closer to our property than at present.

The design of the exhaust extraction system will be such as to ensure appropriate dispersal in the air. The final rating of the system will require to be to the satisfaction of the Planning Authority in consultation with the Environmental Health Authority.

4.9 Permission has already been refused for this ground to be used for the parking of coaches. The provision of a garage building will go no way towards alleviating the problems of noise and air pollution, but may only exacerbate the situation.

The planning history of this site is given in section 6 of this report. The previous application did not involve the erection of the proposed garage but involved the use of an extended area of coach parking. The proposed garage will encroach on this area, but the greater part of the former market garden area will remain unused and, apart from potential pedestrian access, will not readily be accessed due to the location of the new garage. The applicant has indicated that this area will remain unused.

4.10 The application states that drainage is by the main sewer; this is unacceptable where lubricants and fuels are involved

The applicant will require to provide drainage for the development to meet the requirements of Scottish Water and SEPA.

4.11 The plan accompanying the application shows parking bays to the area between the proposed structure and the boundary wall separating the lane to the rear of Loanhill Avenue, but there is no mention of a change of use in the application itself.

The boundary wall that has been erected is currently the subject of further investigation by this Division and may require to be the subject of a separate planning application.

4.12 An unsightly metal shed just beyond our boundary will greatly diminish our amenity and aspect, greatly reducing our enjoyment of our back garden.

It is considered that the proposed garage building is acceptable in terms of design and use of finishing materials and will also serve to provide a degree of screening of the current garage yard.

4.13 If the development were allowed, what use would be made of the ground surrounding the garage and abutting the boundaries? Previously a derelict bus was stored then broken up on ground in full view of our home.

The applicant has indicated that this area will remain unused. It is considered that a condition can be attached to any consent granted for the proposed development to ensure that this area remains unused.

4.14 Traffic congestion in the Loan and Sorn Road in connection with the doctor's surgery and the school is bad enough. There is also the question of safety of school children passing by the front of the garage on their way to school is to be considered. Buses parked by a thoroughfare or reversing on the apron in front of the garage are not conducive to road safety.

The issue of safety is noted. However, no objections on road safety grounds have been received either from the Roads and Transportation Division or the Department of Educational and Social Services.

4.15 In the past few years the outlook on my property has changed from being one of peace and quiet to one of noise and pollution and the view from the rear bedroom is one of an industrial site rather than a residential area.

The commercial garage has been in existence at this site for some considerable time and lies within an area of mixed uses.

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 (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies contained within the structure plan which are especially relevant to the proposed development/

East Ayrshire Local Plan

5.3 Policy IND6 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 criteria as follows:

- (i) locational need

The site is adjacent to a long established coach operator's yard.

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

No site specific locational need has been identified in respect of the proposal although it is accepted that the application site adjoins the applicants' existing yard. The applicant has stated that the business is not in a position to consider a relocation of the business to an alternative site.

- (iii) economic benefit

It is considered that the erection of the proposed garage in itself would be of limited economic benefit to the surrounding area. The applicant has however indicated that the proposed garage is essential to the economic operation of the business in terms of security of vehicles.

- (iv) impact on surrounding environment and adjacent uses

The proposed garage will be constructed mainly on the site of the former market garden and this will result in the encroachment of the coach hire business towards the residential properties at Loanhill Avenue. However, operations will in the main be contained within the proposed garage, and with the measures proposed by the applicant to address potential nuisance through noise and fumes, it is considered that there will be no significant additional adverse impact on the amenity and enjoyment of these residential properties through noise, vibration and vehicle emissions. The proposed garage building would also serve to act as both an acoustic and visual barrier to other operations within the garage site.

- (v) transportation and infrastructure implications

The Roads and Transportation Division has not objected to the proposal and there are no significant issues arising from statutory undertakers.

It is therefore considered that the proposal is in accordance with the terms of Policy IND 6 of the East Ayrshire Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal considerations relevant to the determination of the application are the consultation responses, the letters of objection, the letter of support from the applicant and the planning history of the site.

Consultations

6.2 There are no consultation responses that would suggest that the application be refused.

Representations

6.3 The terms of the objections have been assessed in Section 4 above. It is considered that the grounds of objection in relation to impact on residential amenity can either be addressed by appropriate conditions in any consent granted for the development or are not of sufficient weight to warrant refusal of the application.

Planning History

6.4 Planning permission for a change of use of the application site from a market garden to a coach operators parking facility was refused by the Council on 07 June 2002 on the grounds that the development was contrary to policy and would impact on the residential amenity of adjacent properties (Ref. No: 02/0243/FL).

6.5 A subsequent planning appeal against the decision of the Council was dismissed by the Scottish Ministers on 05 March 2003. The Reporter concluded that the development was contrary to policy. Furthermore while the Reporter recognised the valuable service the applicant's business provides to the community and is an important source of employment, these advantages were not of a force sufficient to counter the adverse environmental impact that is likely to be suffered by nearby residential properties.

The Reporter was of the view that the principle of using the application site to extend the operational area of the coach hire business was unacceptable. In the present application the applicant still seeks to use this area of land, albeit that it now involves the erection of a garage building. With the information now provided by the applicant, it is considered that the encroachment of the business towards the residential properties would not result in significant adverse impact on the residential amenity of these properties as primarily it will be contained within the new garage structure.

6.6 A full application (Ref. No. 02/0838/FL) for the erection of a prefabricated steel garage on the application site was withdrawn from consideration on 07 April 2004 in favour of the current application.

6.7 A more recent planning application (Ref. No 04/0549/FL) for the erection of new drivers' mess room and relocation of existing portacabins has been lodged for determination. It is noted however that the application is retrospective.

Statement of Support by Applicant

6.8 The applicant has indicated that since the refusal of the previous application, he has tried his utmost to meet the requirements of the Planning Division. The proposed garage is a last ditch attempt at trying to salvage this well established successful business based at the same spot in Mauchline for 56 years. The proposed garage would address and reduce the environmental issues of noise and pollution. The applicant contends that the outlook of the residents of Loanhill Avenue is that of a garage at present so a new garage with trees planted up the boundary wall is certainly an improvement. The company is a valuable asset to the community and surrounding area and there would be a knock on effect to other local businesses should the company cease to trade. The applicant requests that the consequences be considered should the application be refused.

7. FINANCIAL OR LEGAL IMPLICATIONS

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

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, it is considered that the representations made and the planning history of the site could presume against the application.

8.2 The applicant has provided information that indicates that the proposed erection of the garage and its use would not significantly impact on the existing residential properties at Loanhill Avenue through noise, fumes or vibration. The applicant seeks to provide additional garage space to accommodate vehicles in the interest of security.

8.3 The proposed garage, in terms of its design, has been improved on by the applicant. With the incorporation of measures to address vehicle emissions from within the garage and appropriate dispersal to the air, it is considered that the proposed garage would in fact help to mitigate current

impacts of noise, vibration and visual amenity and would therefore not result in unacceptable additional adverse impact on adjacent residential properties.

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, Development and Building Standards, 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, Development and Building Standards

31 May 2004
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation responses.
4. Letters of objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Previous application 02/0243/FL and 02/0838/FL.
8. Planning Appeal Decision P/PPA/190/87.
9. Planning Advice Note 56 – Planning and Noise.

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

Implementation Officer: Dave Morris

be implemented in the first planting season following the commencement of use of the proposed garage.

REASON – To provide appropriate screening in the interests of residential and visual amenity.

4. Notwithstanding the approved plans, the area shaded green on the approved site plan shall not be used for any commercial operations or the storage of materials associated with the existing garage premises.

REASON – To maintain a buffer zone between the commercial operations and residential properties in the interests of residential and visual amenity.

5. The base of the proposed building shall be formed of an impervious material such that any spillages do not result in contamination of the sub-soil.

REASON – In the interests of public safety and maintaining environmental quality.

6. During the construction of the garage, all construction vehicles or vehicles associated with the business shall be contained within the application site.

REASON – In the interests of road safety.

- **NOTES TO APPLICANT**

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water drainage from the proposed garage. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
2. The applicant should make early contact with Power Systems with regard to the protection or diversion of apparatus that may be affected by the proposed development.
3. East Ayrshire Council Roads and Transportation Division has advised that no construction vehicles or other vehicles associated with the business should be parked on the public road (Sorn Road or The Loan) during the construction of the garage.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
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VIEWING PLEASE CONTACT (01563) 555320.**