

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 05 NOVEMBER 2004

**04/0549/FL: PROPOSED ERECTION OF NEW DRIVERS' MESS ROOM
AND RELOCATION OF EXISTING PORTACABINS
AT MILLIGAN'S COACHES, THE LOAN, MAUCHLINE**

APPLICATION BY MILLIGAN'S COACHES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the siting of a new portacabin structure within the application site to be used as a mess room for the applicant's employees. The portacabin measures some 12.2 metres in length by 3.6 metres in width. It is a flat roofed structure with an overall height of 2.9 metres. The new portacabin is finished externally in a dark green colour. Entrance to the portacabin is from the side of the structure and all windows are contained on the elevation facing into the existing yard.

1.2 The proposal also allows for the re-location of an existing smaller portacabin within the site to lie adjacent to the new portacabin. This existing portacabin measures some 9 metres in length by 3 metres in width. Again this portacabin has an overall height of 2.9 metres and has a flat roof. Externally it has a white painted finish but is in a poor condition. This is presently used as office accommodation. The application is partly retrospective in that the new portacabin has already been located on the application site.

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, there are no specific policies within the development plan pertinent to this application. Therefore greater weight should be attached to material considerations. 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 do not indicate that the application should be refused.

3.2 The portacabins are suitably located and should not have any great impact on the adjacent residential properties as they will be located in front of the existing boundary wall separating the coach yard from the access lane to the rear of properties on Loanhill Avenue.

3.3 Given the condition of the portacabin to be relocated, it is considered appropriate to impose a condition requiring it to be repainted to match the new portacabin in the interests of visual amenity. Furthermore given the fact that they are non-permanent structures, any consent granted should be on a temporary basis only.

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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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 would be accessed via the existing coach operator's yard. 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 siting of a new portacabin structure within the application site to be used as a mess room for the applicant's employees. The portacabin measures some 12.2 metres in length by 3.6 metres in width. It is a flat roofed structure with an overall height of 2.9 metres. The new portacabin is finished externally in a dark green colour. Entrance to the portacabin is from the side of the structure and all windows are contained on the elevation facing into the existing yard.

2.3 The proposal also allows for the re-location of an existing smaller portacabin within the site to lie adjacent to the new portacabin. This existing portacabin measures some 9 metres in length by 3 metres in width. Again this portacabin has an overall height of 2.9 metres and has a flat roof. Externally it has a white painted finish but is in a poor condition. This is presently used as office accommodation. The application is partly retrospective in that the new portacabin has already been located on the application site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power has indicated that it has no objections in principle to the proposed development but advises the it has underground cables within the

area of the proposals. Scottish Power Distribution must reserve its right therefore to protect and /or deviate apparatus or cables at the applicant's expense.

A note can be attached to any consent granted for the proposed development to advise the applicant to make direct contact with Scottish Power regarding this issue.

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

Noted.

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

Noted.

4. REPRESENTATIONS

4.1 Two letters of objection with five signatories have been received. The grounds of objection can be summarised as follows:-

4.2 The portacabin has already been sited so why has the applicant applied for permission? Surely the procedure is to get planning permission before you go ahead and do the work? Why then send me a letter asking if I object? In light of the way they are going about this, I strongly object especially the way that we seem to be treated as local residents adjacent to the coach premises.

It is noted that the application in part is retrospective but this is not a valid ground of objection to the development. However given the recent planning history of the coach depot, it is understandable why residents are aggrieved at the approach the applicant is taking in respect of securing appropriate consents for a development of this nature.

4.3 It would appear that the Council is unaware that the portacabin, which has been applied for, has been sitting on the exact place as marked on the plans. It has never been an existing portacabin.

It is noted that the application is retrospective. The application is for the relocation also of an existing portacabin and the objector has misread the site plan, which refers to the existing portacabin as in its relocated position.

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 There are no specific policies within the EALP relative to this development and therefore greater regard should be given to material considerations.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the letters of objection 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 are not material to the determination of this 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.

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.

6.7 A subsequent revised application (Ref. No. 04/0367/FL) for the erection of a new garage to accommodate four coaches was approved on the 13 August 2004.

7. FINANCIAL AND 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, there are no specific policies within the development plan pertinent to this application. Therefore greater weight should be attached to material considerations. 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 do not indicate that the application should be refused.

8.2 The portacabins are suitably located and should not have any great impact on the adjacent residential properties as they will be located in front of the existing boundary wall separating the coach yard from the access lane to the rear of properties on Loanhill Avenue.

8.3 Given the condition of the portacabin to be relocated, it is considered appropriate to impose a condition requiring it to be repainted to match the new portacabin in the interests of visual amenity. Furthermore given the fact that they are non-permanent structures, any consent granted should be on a temporary basis only.

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

22 October 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 applications 02/0243/FL, 02/0838/FL and 04/0367/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

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