

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 18 JANUARY 2002

**01/0526/FL: PROPOSED ALTERATION TO GRANGE SERVICE STATION
FORE COURT AND SMALL EXTENSION TO SERVICE STATION SHOP
AT GRANGE SERVICE STATION
AT 58 IRVINE ROAD, KILMARNOCK
BY MR H THOMSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 **Proposed Development:** The proposal involves an extension of 10 square metres to the front of the service station shop. The existing diesel tank will be re-located from the forecourt to the rear of the service station shop. The area where the diesel tank was previously located will be used for parking in association with the filling station. The proposed front extension to the shop will link into the front building line of the shop. Materials proposed are glazing and metal. The proposal has been amended to allow a new car washing unit to be located adjacent to the existing car wash unit (which is to remain unchanged). The wash area would be extended, however the amendment means that the actual car washing area is no closer to Irvine Road than is currently the case and that a 2m high glazed screen adjacent to Irvine Road has now been deleted.

1.2 The applicant has submitted a supporting statement that the Grange Service Station has been in existence for over 40 years and they wish to continue to supply a better service, maintain the current staff levels and even more employment. The extension to the existing car wash facility is to reduce queuing of vehicles and will help to reduce rather than increase noise pollution.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application and these are supportive of the proposed development. The proposed development is in keeping with the policies of the EALP. The concerns of the objectors regarding noise, nuisance and road safety have not been echoed by the Roads and Transportation Division or Environmental Health. The proposal involves alterations to an existing petrol filling station which is located on Irvine Road, one of the main traffic distributor roads into Kilmarnock, although the petrol filling station is bounded by residential development. The alterations proposed to the existing petrol filling station are not of such relevance as to warrant a recommendation of refusal for this proposal. The proposed changes will allow the petrol filling station to operate more effectively .

CONTRARY DECISION

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 an application which is to be considered by the Local Planning Committee under the scheme of delegation because it has been the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the western side of Kilmarnock adjacent to the junction of Irvine Road and Grange Terrace. The application site is an existing petrol service station with three access/egress points, two of which front Irvine Road and the third onto Grange Terrace. The existing petrol station provides two petrol pump islands, one jet wash area, an air and water point, a car vac machine and a small retail shop. The application site is bounded by Irvine Road and Grange Terrace and beyond that residential development on all four boundaries.

2.2 **Proposed Development:** The proposal involves an extension of 10 square metres to the front of the service station shop. The existing diesel tank will be re-located from the forecourt to the rear of the service station shop. The area where the diesel tank was previously located will be used for parking in association with the filling station. The proposed front extension to the shop will link into the front building line of the shop. Materials proposed are glazing and metal. The proposal has been amended to allow a new car washing unit to be located adjacent to the existing car wash unit (which is to remain unchanged). The wash area would be extended, however the amendment means that the actual car washing area is no closer to Irvine Road than is currently the case and that a 2m high glazed screen adjacent to Irvine Road has now been deleted.

2.3 The applicant has submitted a supporting statement that the Grange Service Station has been in existence for over 40 years and they wish to continue to supply a better service, maintain the current staff levels and even more

employment. The extension to the existing car wash facility is to reduce queuing of vehicles and will help to reduce rather than increase noise pollution.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division, the Coal Authority and West of Scotland Water have confirmed that they have no objection to the proposed development.

Noted.

3.2 The Grange/Howard Community Council have no adverse comments to make regarding the amended proposal.

Noted.

3.3 Department of Community Services; Environmental Health and Trading Standards Service have stated in relation to the provision of offset fills that these should be located 4 metres away from air/water units and car vac units. They also state that the drainage track which serves the jet car wash areas should not be combined with the drainage provisions from the petrol service area in order to prevent contamination of the foul drainage system with petrol spillage. There should be no building openings at the rear of the building next to the new above ground diesel tank and the boundary wall should be imperforate.

Conditions can be attached to any grant of planning permission requiring amended drainage details and the re-location of the offset fill units.

3.4 Scottish Environment Protection Agency have no objections to the proposal provided the forecourt drainage is connected to the foul sewerage system via an oil interceptor in accordance with West of Scotland Water requirements. All waste water from the vehicle washing must be collected separately and discharged to the public foul sewer system.

A condition can be attached to any grant of planning permission addressing this matter.

3.5 Transco require no mechanical excavation within 500 mm of their plant.

A note can be attached to any grant of planning consent to advise the applicant of this requirement.

3.6 Bonnyton Community Council object to the amended proposal on the grounds that it would pose a threat to road safety for both pedestrians and vehicular traffic.

No objections have been raised by the Council's Roads Division regarding the proposed alterations as amended.

4. REPRESENTATIONS

One petition containing eight signatories has been received objecting to the proposed development and an objection from Bonnyton Community Council as detailed in Section 3 of the report.

4.1 The additional car wash will reduce the queuing available within the bounds of the service station when the car wash is busy thus forcing vehicles to queue on Irvine Road.

The Roads Division have been consulted on this present proposal and have raised no objection on road safety grounds.

4.2 Grange Service Station is the only commercial premises in an otherwise residential neighbourhood. An additional car wash will increase the noise levels currently experienced (both mechanical from the machines and blaring radios from those using or queuing for the car wash), particularly as the present car wash is operational between 7:00 am and 10:00 pm. It will further affect the increase of traffic volumes by increasing noise levels.

Environmental Health have not raised any objection to the proposed development on the basis that the operation of jet wash machinery presents any significant noise nuisance. The issue of the car wash users leaving their car radios on is an aspect that cannot be controlled through the planning process. The application site is an existing petrol filling station surrounded by residential development and located on one of the main traffic distributor roads into Kilmarnock. It is considered that the installation of a further jet car wash will not have such a significant impact on noise levels in the area as to warrant a recommendation of refusal of this proposal. There already exists a certain level of noise and disturbance associated with the petrol filling station.

4.3 The greater part of Irvine Road is extremely busy between the peak hours of 7.30 and 9.00am and 3.00 and 5.30pm, with pedestrian and vehicular access to primary and secondary schools in the Grange Estate being in close proximity to the Service station entrances. There are 'no parking' lines to the east of the service station where the pedestrian access to the Primary School is situated. Local traffic for Crosshouse

Hospital and commercial/industrial premises on Western Road is extremely busy at peak hours. There is regularly a tail back from the traffic lights across Grange Terrace and both service station accesses, to the primary school pedestrian access and even further. According to the East Ayrshire Local Traffic Plan Irvine Road takes 25% of the bus traffic to and from Kilmarnock Bus Station.

The Roads Division have not raised any objection to the proposed development. The alterations proposed to an existing petrol filling station are not considered to be so significant as to exacerbate the existing situation. Irvine road is one of the main distributor roads into Kilmarnock and therefore experiences a high level of traffic use.

4.4 Whilst not objecting to the alterations to the shop premises or the installation of an ATM, they are extremely conscious that this is being done to increase trade. This in itself will add to the volume of traffic entering and leaving the site, adding further to the traffic problems of queuing vehicles and the difficulty of exit from the site via either the westerly or Grange Terrace exits.

The Roads Division have not raised any objection to the proposed changes on road safety grounds. No ATM is proposed as part of the present scheme.

4.5 The plan shows distinct entrance and exit routes which are not at present adhered to, particularly the Grange Terrace access. This is currently used as a shortcut both to and from Grange Terrace, especially when traffic is busy, and the provision of "No Entry" signs would alleviate this problem. Enforcement of the currently approved entry and exit routes would have the effect of forcing all queuing vehicles onto Irvine Road, thus affecting traffic when petrol pumps and the proposed new parking area are in use. Only one entry access is approved and all traffic (shop, fuel and car wash) would have to pass the fuel pumps. As approval of this application must be in accordance with the plans as proposed it is assumed that this would include entry to, and access from, the service station as shown on the plans. In their opinion this could cause an accident, particularly at busy periods.

The Roads Division have not raised any objection to the proposed development or the layout of the site.

4.6 This tank (diesel) will be re-sited in an enclosed space between the back of the shop and the boundary wall with the gable end of the neighbouring property immediately beyond this wall. In its current position the tank backs on to a garden wall where there is no threat of danger to neighbours.

As stated above the location of the diesel tank is acceptable to the Department of Community Services subject to the imposition of conditions.

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 and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Kilmarnock Local Plan, the proposal would fall to be considered against Policy 4.3.2. This policy supports an extension of under 200 sq. metres to local retail units selling daily provisions provided it does not have a detrimental effect on nearby residential properties.

The proposal is in accordance with the Adopted Local Plan as it involves an extension of 10 square metres. It is not considered that the proposed extension will have a detrimental effect on adjacent residential properties.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications, representations received and the consultation replies.

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 a prime material consideration.

East Ayrshire Local Plan Finalised Version with Modifications

6.3 Policy RTC 17 of EALP states that the Council will be supportive of the retail sale of goods from petrol filling stations where it can be demonstrated that the retail element is purely ancillary to the needs of the travelling public.

The retail shop extension meets the requirements of Policy RTC 17 as the shop extension is only 10 square metres in area and therefore is ancillary to the principle use of the site as a petrol filling station.

Consultation Replies

6.4 None of the statutory consultees have raised any negative issues which would suggest that the application should be refused. The concerns of the objectors regarding noise, nuisance and road safety issues have not been echoed by the Roads and Transportation Division or Environmental Health.

Representations

6.5 The representations have been considered in Section 4 of the report where it has been concluded that they are not of sufficient weight as to indicate that the application should be refused.

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 at Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application and these are supportive of the proposed development. The proposed development is in keeping with the policies of the EALP. The concerns of the objectors regarding noise, nuisance and road safety have not been echoed by the Roads and Transportation Division or Environmental Health. The proposal involves alterations to an existing petrol filling station which is located on Irvine Road, one of the main traffic distributor roads into Kilmarnock, although the petrol filling station is bounded by residential development. The alterations proposed to the existing petrol filling station are not of such relevance as to warrant a recommendation of refusal for this proposal. The proposed changes will allow the petrol filling station to operate more effectively .

9. RECOMMENDATION

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

CONTRARY DECISION

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

03 January 2002
(CSI/MMM/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notice/Certificates.
3. Letters of Representation.
4. East Ayrshire Local Plan Finalised Version with Modifications.
5. Adopted Kilmarnock Local Plan.
6. Approved Strathclyde Structure Plan
7. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576770.

Implementation Officer: Dave Morris

010526FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0526/FL

Site of Proposal:	Grange Service Station 58 Irvine Road KILMARNOCK
Nature of Proposal:	Proposed Alterations to Grange Service Station forecourt and Small Extension To Service Station Shop
Name & Address of Applicant:	H Thomson 19 Wilson Avenue TROON KA10 7AF
Name & Address of Agent:	Parry & Hughes 7 Lynedoch Street GLASGOW G3 6EF

DPOs Reference: CSI/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 10 July 2001 and the amended plans received by the Planning Authority on 18 December 2001.

REASON To ensure that development is carried out in accordance with the approved details.

2. Notwithstanding the plans hereby approved the external surface of the shop walls and the roller shutter and its external housing are not hereby approved. Details/samples of the external surface of the shop walls and roller shutter and its housing shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interests of visual amenity.

3. Notwithstanding the plans hereby approved, the wall around the re-located diesel tank shall be impervious in nature. Details of the design and height of the impervious

wall shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of public safety.

4. Notwithstanding the approved plans, the offset fills shall be at least 4 metres from the car vac area; details of the revised location of the offset fills shall be submitted to and approved by the Planning Authority prior to the commencement of development on site.

REASON In the interests of public safety.

5. Notwithstanding the approved plans the forecourt drainage shall be connected to the foul sewerage system via an oil interceptor and maintained thereafter.

REASON In order that the public drainage system is not contaminated by the operation of the petrol station.

Note to Applicant:

1. No mechanical excavation shall take place within 500 mm of Transco Plant.

**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.**

AGENDA