

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 14 JUNE 2002

**00/0613/FL: PROPOSED CAR WASH, VALETING AND VEHICLE
MECHANICAL REPAIR AT UNIT 10, ANNANHILL INDUSTRIAL ESTATE,
IRVINE ROAD, KILMARNOCK
BY MR JOHN BARR**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is a retrospective application for a proposed change of use of the building and land for a car wash, valeting and vehicle mechanical repairs. The site will be accessed from the access road into the industrial estate. The existing building on site will be used for car repairs and office accommodation. The forecourt will be utilised to wash and valet the vehicles. No external alterations are proposed to the building.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is in accordance with the Adopted Local 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. Whilst the proposed development is considered to be an acceptable use in principle in an industrial area the inability of the applicant to provide an adequate drainage system results in the proposals being contrary to Policy IND 6. It is considered that this failure to dispose of the effluent in an acceptable manner will result in a loss of amenity to the neighbouring properties and substantial detriment to the wider environment.

3.2 There are relevant material considerations and they are not supportive of the proposal. The proposed uses fail to comply with Policy IND 6 of the East Ayrshire Local Plan.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, it would 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.

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 14 JUNE 2002

**00/0613/FL: PROPOSED CAR WASH, VALETING AND VEHICLE
MECHANICAL REPAIR AT UNIT 10, ANNANHILL INDUSTRIAL ESTATE,
IRVINE ROAD, KILMARNOCK
BY MR JOHN BARR**

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 because it has been subject to objections and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** This site comprises a building and land extending to some 540 square metres at the entrance to Annanhill Industrial Estate, Kilmarnock. The land is bounded to the north by a car sales business; to the south by the industrial estate comprising a variety of uses such as car repairs to the east by the residential properties of 198 and 198A Irvine Road and to the west by the access road into the industrial estate and the Ellerslie Inn.

2.2 **Proposed Development:** This is a retrospective application for a proposed change of use of the building and land for a car wash, valeting and vehicle mechanical repairs. The site will be accessed from the access road into the industrial estate. The existing building on site will be used for car repairs and office accommodation. The forecourt will be utilised to wash and valet the vehicles. No external alterations are proposed to the building.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections to the proposals.

Noted.

3.2 East Ayrshire Council Environmental Health and Waste Management has stated that the proposals would not be at odds with the adjoining car sales business (approved 2 June 2000) and indeed could be regarded as complementary to it. Concerns have been expressed as to the impact of the proposals on the two bungalows at 198 Irvine Road due to the fact that a car wash operated in the area specified a number of years ago which resulted in occasional complaint from the occupier of the bungalow sitting immediately to the east of the application site. It is not considered pertinent to object to this proposal, however they would flag up some concerns about the possible impact of the development on the two bungalows nearby at 198 Irvine Road. Environmental Health has asked if the applicant could ensure that the car wash area can be adequately enclosed or screened to prevent any drift of spray on to the residential properties adjacent.

It would also be desirable to restrict the workshop activities so that they did not extend into the evenings or Sundays. Given the longstanding industrial commercial use of the overall site they do not know how feasible this might be to impose and suggest a rider to the effect that no nuisance is caused to the nearby residential properties.

There is a fence along the eastern boundary between the application site and the residential properties. It is approximately 8ft in height. The existing fence could benefit from being improved and extended. This could be done by attaching a condition to the planning consent if granted. In addition leylandi trees have also been planted along the boundary in the adjoining garden. With regard to any nuisance from the proposed use a condition could be attached to any grant of planning consent to ensure that the use operates without detriment by reason of noise, dirt or by general disturbance. It would not be reasonable to attach a condition to any grant of planning restricting the hours of operation of the proposed use given the industrial location in which it is to be located.

3.3 West of Scotland Water have advised that there are no known sewers to which a connection can be made. If a septic tank is utilised it must be sited in such a manner as to allow easy access for emptying by tanker. A development of the type and size proposed can be serviced from an existing public water main located in the street adjacent to the site location.

A condition and an advisory note can be attached to any grant of planning consent bringing the above to the applicant's attention.

3.4 Scottish Environment Protection Agency has no objection to the location of the proposals provided the foul drainage and any trade drainage connects to the local authority sewer, or a suitable sealed holding tank is provided to retain

all effluents which would then be removed from site on a regular basis and disposed of at a suitably licensed facility.

The effluent from the development could be treated through an oil interceptor treatment plant and reed bed system and then discharged to a suitable terminal discharge point ie. a watercourse. SEPA note that there are currently no consents to discharge into the existing watercourses within the immediate vicinity of this development proposal.

The effluent from a car wash is highly polluting in nature and requires treatment prior to disposal. Due to the infrastructure and space constraints of the proposed development site the applicant is unable to achieve any of above drainage requirements. The development site is not served by a public sewer therefore connection cannot be made to the public sewerage system. The applicant investigated the possibility of using an existing underground tank to hold the effluent on a temporary basis before being taken to a licensed disposal site, however it was found that the tank failed to meet the SEPA requirement's in relation to cubic capacity and integrity of the structure. With regards to the use of a petrol interceptor chamber discharging into a reed bed and then to a suitable terminal discharge point, SEPA have indicated that consent to discharge would only be granted if the effluent could be suitably treated and disposed of into an appropriate water course. The applicant has failed to indicate how he would implement this drainage system given the available space and infrastructural constraints of the proposed development site.

3.5 Scottish Power & Health and Safety Executive have no objection to the development.

Noted.

3.6 The Bonnyton and Woodstock Community Council & Grange/Howard Community Council have not responded to their consultation letters at the time of writing this report.

Noted.

4. REPRESENTATIONS RECEIVED

Two letters of objection have been received and the points raised are as follows:-

4.1 The external area for the car wash reduces parking for customers within the site.

Noted, however the Council's Roads and Transportation Division has no objections to the proposals.

4.2 The planning application form states no alterations. The applicant has already built an office within the building and cut out windows to the rear of the building and installed mechanical equipment.

Noted. Planning consent is not required for internal alterations to the building. The windows were part of the original building which were covered by metal cladding some years ago. The current operator has cut the metal cladding and put a hinge on which acts as shutters on two of the windows. The shutters are opened during the day to let in light and are shut at night. It is not considered that this constitutes a material change to the appearance of the building and is therefore not development.

4.3 If the car wash is allowed there is no permanent turning point within the site.

The Roads Division has no objections to the proposed development.

4.4 Internal roof timbers are exposed, if a fire started the roof would be a danger. There are also oil storage tanks within the building.

Noted. This is a separate matter and is not directly relevant to the present proposal under consideration.

4.5 There is a Scottish Power Sub Station within the site reducing parking. More than two parking areas are required.

The Roads and Transportation Division has no objections to the proposed development in terms of parking provision.

4.6 The male and female toilets are not to standard and there is no area for the public except standing in the mechanical area.

This is not a planning matter but would be addressed by the Building Control Regulations.

4.7 There is no sump for waste oils, detergents in the car wash area. Also surface water drains are blocked leading to chemicals etc. running out to the main road. A car wash should have a settling tank. One of the objectors had a problem for six months with silt and water from the above the car wash which

blocked a drain and continually ran through their car park. At present water from the car wash is running onto the main road and into road gulleys.

The application site is not served by a public sewer therefore connection cannot be made to the public sewerage system. SEPA have outlined in their consultation response various methods to deal with the drainage effluent from the car wash. The applicant is unable to achieve any of the drainage requirements outlined by SEPA.

4.8 The applicant is allowing casual mechanics and taxi operators to use the premises at all hours.

The above matter is not relevant to the planning application under consideration. The car wash and mechanical repairs business is a commercial activity to be used by the public whether they be a car owner or a taxi driver.

4.9 Is spray painting of cars included without proper ventilation?

The applicant has stated that there is no intention to use the premises for the spraying of cars and there was no evidence of such activities on any of the site visits carried out.

4.10 The applicant controls land to the front of the site and sub lets to R Nelson who is in breach of planning conditions.

This is a matter not relevant to the present proposal under consideration. The conditions of the planning consent for the car sales have been monitored and only one outstanding issue requires to be resolved regarding the layout of the car sales.

4.11 Altered storage building on roof and left in dangerous state.

Noted. This is a matter not directly relevant to the present proposal under consideration. The Building Control Section investigated these allegations independently and have confirmed that its condition is acceptable.

4.12 If permission is granted the applicant will ignore any conditions attached.

If planning consent is granted, any breach of conditions attached to the planning consent will be investigated and remedied by the Council's Enforcement Officer.

4.13 Signage for the car wash is placed on the road side outside their property. This should surely be kept to the limits of their own property.

Noted. The present proposals do not include signage. Any such proposals will require to be the subject of a separate application for Advertisement Consent.

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 Local Plan, the proposal would fall to be considered against this document and its associated policies. The application site is outwith the settlement boundary of Kilmarnock. Policy 5.10.12 is relevant which does not allow commercial or industrial development in the countryside outside the urban envelope of existing settlements unless the commercial or industrial developments specifically related to local agricultural uses, specific locational need to be in a rural area or small craft industries or industrial development related specifically to any existing adjoining industrial use.

The proposal uses are essentially in keeping with the above policy as the use of the site for a car wash and mechanical repairs business is compatible with the adjacent car sales and the industrial nature of the industrial estate.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

6.2 The Adopted Kilmarnock Local Plan is considerably out of date and it is therefore appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered as a prime material consideration. Policy IND 6 is relevant and states:

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, will require to be justified against all of the following criteria:

- (i) locational need;*
- (ii) availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply;*
- (iii) economic benefit;*
- (iv) impact on surrounding environment and adjacent uses;*
- (v) transportation and infrastructure implications;*
- (vi) loss of public amenity open space;*
- (vii) loss of prime quality and good quality locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute; and*
- (viii) impact on natural and built heritage resources.*

The location of a car wash and mechanical repairs business would be appropriate in this location and would be compatible with surrounding industrial uses. The proposed development however fails to provide adequate drainage arrangements to the satisfaction of the Scottish Environment Protection Agency. Failure to provide an adequate drainage system would result in pollutants being discharged into the surrounding ground and water courses. This would have a detrimental impact on the surrounding environment. There have been discussions with the applicant to produce a satisfactory drainage arrangement, however he has not been able to bring forward such a scheme. Therefore the proposed development fails to meet the terms of the above criteria of Policy IND 6.

Consultations

6.3 The consultations responses have been highlighted in Section 3 of this report. The comments of SEPA are material in the determination of this application. SEPA has indicated that the developer has significant infrastructural difficulties achieving adequate drainage arrangements to dispose of the effluent produced by the proposed development.

Failure of the developer to achieve an adequate drainage arrangement would result in pollutants being discharged into the surrounding ground and water courses and therefore having a detrimental impact on the surrounding environment.

Representations

6.4 The comments of the objectors are addressed in Section 4 of this report and are material in the determination of this application. The objectors have indicated that the unauthorised development is presenting drainage problems within the immediate area. One of the letters of objection indicates that the unauthorised development currently creates a nuisance in terms of noise, pollution and unsociable hours to the immediate area.

Noted. Conditions could be utilised to address many of these issues.

Planning History

6.5 96/0054/FL: Planning consent to sub-divide the factory unit into three self contained factory units by Red Gulf Ltd., was granted on 29 May 1996.

6.6 00/0216/FL: Planning Consent was granted on 2 June 2000 for car sales on land immediately adjacent to the application site.

It is considered that the current proposals are complementary to this use.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications may arise if the application is refused as enforcement action would have to be considered to seek the removal of the car wash and mechanical repairs business.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report the application is in accordance with the Adopted Local 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. Whilst the proposed development is considered to be an acceptable use in principle in an industrial area the inability of the applicant to provide an adequate drainage system results in the proposals being contrary to Policy IND 6. It is considered that this failure to dispose of the effluent in an acceptable manner will result in a loss of amenity to the neighbouring properties and substantial detriment to the wider environment.

8.2 There are relevant material considerations and they are not supportive of the proposal. The proposed uses fail to comply with Policy IND 6 of the East Ayrshire Local Plan.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, it would 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

06 June 2002 (CSI/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of representation.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Adopted Kilmarnock Local Plan.

7. Planning Application No: 96/0054/FL
00/0216/FL
8. Approved Ayrshire Joint Structure Plan.
9. Approved Strathclyde Structure Plan.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0613/FL

Site of Proposal: Unit 10
Annanhill Industrial Estate
Irvine Road
KILMARNOCK

Natural of Proposal: Proposed Car Wash, Valeting and
Vehicle Mechanical Repair

Name & Address of Applicant: John Barr
Unit 10
Annanhill Industrial Estate
Irvine Road
KILMARNOCK

Name & Address of Agent:

DPOs Reference: CI/SA

The above FULL application should be refused for the following reason:

(1) The proposed uses fail to comply with Policy IND 6 of the East Ayrshire Local Plan (Finalised Version with Modifications) as the applicant has failed to provide an acceptable system of effluent disposal with, as a consequence, there being a substantial detriment to the surrounding environment.

**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