

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 30 MAY 2003

**03/0047/FL: PROPOSED CAR WASH/VALETING SERVICES, VEHICLE
REPAIRS AND INSTALLATION OF UNDERGROUND HOLDING TANK
AT ANNANHILL INDUSTRIAL ESTATE
BY R J G MOTORS**

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 hardstanding to the rear of the building will be utilised to wash and valet the vehicles. No external alterations are proposed to the building. The proposal also includes the installation of an underground holding tank. The holding tank will be constructed of non corrosive materials and be 4.3 metres long with a diameter of 2.6 metres. It will hold 18,180 litres of water and will have to be emptied at regular intervals. It is to be sited within the car wash/valeting area and will provide a sealed holding tank to retain all effluents before being taken to a licensed disposal site.

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 is indicated at Section 5 of the report, the application is in accordance with the Adopted Local Plan. Therefore, given the terms of Section 25 & 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 The proposed development is considered to be acceptable in terms of Policy IND6 of the East Ayrshire Local Plan. The applicant has provided a system for the disposal of effluent which is acceptable to SEPA and will not result in the loss of amenity to neighbouring properties or be of detriment to the wider environment.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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.

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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 a retrospective, full planning application, which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

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 hardstanding to the rear of the building will be utilised to wash and valet the vehicles. No external alterations are proposed to the building. The proposal also includes the installation of an underground holding tank. The holding tank will be constructed of non corrosive materials and be 4.3 metres long with a diameter of 2.6 metres. It will hold 18,180 litres of water and will have to be emptied at regular intervals. It is to be sited within the car wash/valeting area and will provide a sealed holding tank to retain all effluents before being taken to a licensed disposal site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power have no objections to the development, provided access to their substation is maintained and building works do not interfere with their cables and apparatus.

Noted.

3.2 Scottish Water have advised that there are no known sewers to which a connection may be made from the proposed development. Drainage will require to be treated by septic tank or other suitable treatment system to the satisfaction of SEPA.

It is proposed to install an underground holding tank for the drainage and SEPA have no objections provided there is no overflow of discharge.

3.3 Scottish Environment Protection Agency has no objection and have agreed to the application on the condition that there must not be any overflow or discharge from the holding tank.

The requirements of SEPA can be addressed by attaching a condition to the planning consent.

3.4 Crosshouse Community Council, Grange Howard Community Council and Bonnyton Community Council have not replied to their consultation letter at the time of writing this report.

Noted.

3.5 East Ayrshire Council Roads & Transportation Division have no objection to the proposed development.

Noted.

3.6 East Ayrshire Council Environmental Health and Waste Management have no objections in principle to the development, but make the following comments:-

i) All works should be carried out at such times and in such a manner, as will not give rise to nuisance.

ii) There is a high probability that the house on the easterly side of the site could be affected by spray drift from the washing area, and it is therefore recommended that a screen of sufficient dimensions be erected between the site and the house to minimise the risk of nuisance.

iii) Working hours at the premises should be restricted to 8am – 6pm, Monday-Friday, 8am – 12 noon on a Saturday, and not at all on a Sunday to minimise the risk of noise nuisance from the premises.

iv) Further to iii) above, all compressors and plant should be suitably located and screened to minimise risk of noise nuisance.

v) All waste arising from the premises should be disposed of to the satisfaction of the Waste Management Authority.

It is recommended that conditions can be attached to any grant of planning consent to meet the requirements of Environmental Health.

4. REPRESENTATIONS RECEIVED

One letter of objection has been received, and the points raised are as follows:-

4.1 The applicant does not own or rent land as shown on the application site, as it was compulsory purchased in 1985 by Strathclyde Regional Council as part of a roads widening programme.

The application site comprises the existing building and land to the rear. Land fronting onto Irvine Road is not included in the application site.

4.2 The Electricity Sub Station is only a few feet from the proposed car wash. The sub-station is not shown true on the plan.

Scottish Power have been consulted on this application and have no objections to the development, provided access to the Sub-station is maintained and building works do not interfere with their cables and apparatus.

4.3 This situation has been ongoing for two and a half years, and they have been operating despite the previous refusal of planning permission.

A previous application for the same nature of development was refused on 14 June 2002 as the applicant had failed to provide an acceptable system of effluent disposal. Discussions have since taken place with the applicant to find an acceptable system of effluent disposal and the applicant is now proposing an underground holding tank which is acceptable to SEPA.

4.4 There is no area for parking of cars, causing vehicles to block entrance to industrial estate.

The Council's Roads and Transportation Division has no objection to the proposals and there is sufficient space in the industrial estate for cars to park.

4.5 The building is not up to standard in terms of health and safety standards.

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

4.6 The applicant has encroached on to Council land to get more cars on site.

The application site comprises the existing building and land to the rear and does not include land presently used for car sales.

4.7 External rainwater from site overflows on to the road at the entrance to the industrial estate, causing a danger during the winter months.

The applicant is proposing to install an underground holding tank for effluent disposal. It will improve the existing drainage problems in this site and reduce surface water displacing onto the public road.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 & 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.

5.2 Policy IND6 of the Adopted East Ayrshire Local Plan 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 applicant is now proposing to install an underground holding tank which is acceptable to the Scottish Environment Protection Agency. Therefore the proposed development accords with Policy IND6 of the Adopted East Ayrshire Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultations detailed in Section 3 of the report, the representations detailed in Section 4 of the report and the planning history of the site.

Consultations and Representations Received

6.2 It is not considered that any aspects of the consultations or representations received indicate that the application should be refused.

Planning History

6.3 00/0613/FL: Proposed Car Wash, Valeting and Vehicle Mechanical Repair at Unit 10, Annanhill Industrial Estate was refused planning consent on 14 June 2002 on the grounds that the applicant had failed to provide an acceptable system of effluent disposal.

The present application is essentially for the same nature of development as the previous application which was refused. However, an underground holding tank is proposed for effluent disposal which is now an acceptable solution to the Scottish Environment Protection Agency, subject to regular emptying.

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 is indicated at Section 5 of the report, the application is in accordance with the Adopted Local Plan. Therefore, given the terms of Section 25 & 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 The proposed development is considered to be acceptable in terms of Policy IND6 of the East Ayrshire Local Plan. The applicant has provided a system for the disposal of effluent which is acceptable to SEPA and will not result in the loss of amenity to neighbouring properties or be of detriment to the wider environment.

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 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 & Building Control

21 May 2003

(AG/MS)

FV/DVM

List of Background Papers

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Approved Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Application No: 00/0613/FL.
7. Representations.

Anyone wishing to inspect the above papers please contact Ailsa Graham on (01563) 576787.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0047/FL

Site of Proposal: Annanhill Industrial Estate
KILMARNOCK

Nature of Proposal: Proposed Car Wash/Valeting Services, Vehicle
Repairs & Installation of Underground Holding
Tank

Name & Address of Applicant: R J G Motors
Annanhill Industrial Estate
Irvine Road
KILMARNOCK
KA1 2RT

Name & Address of Agent: James W Mair
25 Woodside Avenue
KILMARNOCK
KA1 1TU

DPOs Reference: AG/MS

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

1. Prior to the operation of the car wash/valeting services the underground holding tank as approved shall be fully installed and operational.

REASON To provide an acceptable system of effluent disposal.

2. Car washing, valeting services and vehicle repairs shall be confined to the hours of 8am to 6pm, Monday to Friday, 8am to 12 noon on Saturday, and not at any time on Sundays.

REASON To minimise the risk of noise nuisance.

3. Notwithstanding the submitted plans a screen to prevent spray drift from the washing area shall be erected along the eastern side of the site. Details of the design and height of the screen shall be submitted to and approved by the Planning Authority prior to the commencement of the car wash/valeting services on site and implemented on site within one month of the approval of the details.

REASON In the interests of residential amenity.

4. Prior to the commencement of the car wash/valeting services and vehicle repair activities, details of the location and design of all compressors and plant shall be submitted to and approved by the Planning Authority.

REASON To minimise the risk of noise nuisance.

5. The underground holding tank shall be emptied on a regular basis to prevent any overflow or discharge from the holding tank onto the public road or surrounding ground area.

REASON To prevent the disposal of effluent which would have a substantial detrimental impact to the surrounding environment.

Note

1) The applicant is advised to make early contact with Scottish Water, 35 Glenburn Road, Prestwick (0845 601 8855) regarding the provision of site water mains and service connections.

2) Access to the existing electricity substation, cables and apparatus shall be maintained at all times.

**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.**