

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 JUNE 2002**

**01/0761/FL: PROPOSED CHANGE OF USE FROM PETROL STATION TO CAR  
VALETING CENTRE AT 4 MAIN STREET, NEWMILNS  
BY MISS HELEN THOMSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought to change the use of the former petrol station to a car valeting centre. The application proposes to hand wash and valet cars within the forecourt area of the former garage. There are no proposals to provide staff or visitor parking within the site. This application is retrospective as the car wash has been operating since September 2001.

**2. RECOMMENDATION**

**2.1 It is recommended that the application should 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3.1 As is indicated at Section 5 of the report, the development plan is out of date and given the terms of Section 25 and Section 37(2) of the Town and Country (Scotland) Act 1997, the application should be assessed against the material considerations. As is indicated at Section 6 of the report, there are material considerations relevant to this application and these are not such as to indicate that the application should be refused.

**CONTRARY DECISION NOTICE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant departure from 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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**01/0761/FL: PROPOSED CHANGE OF USE FROM PETROL STATION TO CAR VALETING CENTRE AT 4 MAIN STREET, NEWMILNS  
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### Report by Head of Planning & 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 an objection.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is a former petrol station in Main Street, Newmilns. The site is bounded to the south and west by the River Irvine and on the east by residential properties. The proposed site has two road traffic crossings on to Main Street, Newmilns. The applicant proposes to use one entrance as an access and the other as an exit. The proposed site is located 82 metres west of the junction with Bridgend and Main Street and within 50 metres west of the junction of High Street and Main Street. Main Street forms part of the A71, which is the primary route from Kilmarnock to the M74. The proposed site has an existing canopy and office/garage building. These are not subject to any alterations as part of these proposals.

2.2 **Proposed Development:** Full planning consent is sought to change the use of the former petrol station to a car valeting centre. The application proposes to hand wash and valet cars within the forecourt area of the former garage. There are no proposals to provide staff or visitor parking within the site. This application is retrospective as the car wash has been operating since September 2001.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads & Transportation Division has indicated that it has no objection to the proposed change of use provided a planning condition restricting the vehicle parking on the site to one bay for valeting and one bay for customers waiting is attached to any grant of planning consent as further intensification could lead to parking on the public road.

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

3.2 Newmilns and Greenholm Community Council have not responded at the time of writing this report.

***Noted.***

3.3 Scottish Water have no objection to the application.

***Noted.***

3.4 Scottish Environment Protection Agency have no objection provided that all foul drainage arising from the site is connected to the Local Authority foul sewer. It is imperative that the applicant confirms that all drainage from the forecourt area is also connected to the sewer.

***Noted. A condition regarding drainage can be attached to any grant of planning permission.***

#### **4. REPRESENTATIONS**

One letter of objection has been received relating to this application.

“The last owner of these premises caused no end of problems by parking their cars on the street outside No. 17 Main Street and the neighbours’ door leaving no access”.

***The parking of vehicles on the public highway is a police matter and is not a matter where the Planning Authority can intervene. However, any increase in the intensity of vehicle use of an area due to a new proposed use such as the carwash and valeting centre is a material planning consideration. It is though considered that the likely increase in parking and general vehicle activity would not have a significant impact on the residential amenity of the area.***

#### **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 Ayr County Development Plan 1953.

5.2 Clearly the Adopted Ayr County Development Plan is now considerably out of date. Given the age of this plan, its relevance to this application is negligible.

## 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), consultations and objections detailed above.

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 As the site is not identified or safeguarded in the EALP, Policy IND6 applies to this proposal. This policy relates to the change of use of existing industrial or business use on land not specifically identified for such purposes on the local plan maps.

***The proposed development would have a positive impact on the townscape of Newmilns as it would introduce a user to prominently located premises that have been vacant for a period of time during which there has taken place vandalism. As indicated in Section 3.1 above the Roads and Transportation Division has no objection to the proposal provided a condition relating to the traffic movement on site is attached.***

### Consultations and Objections

6.4 The consultation responses and the submitted objection have been considered above and do not raise issues meriting the refusal of the application.

## 7. FINANCIAL AND LEGAL IMPLICATIONS

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

## 8. CONCLUSIONS

8.1 As is indicated at Section 5 of this report, the development plan is out of date and given the terms of Section 25 and Section 37(2) of the Town and Country (Scotland) Act 1997, the application should be assessed against the material considerations. As is indicated at Section 6 of the report, there are material considerations relevant to this application and these are not such as to indicate that the application should be refused.

## **9. RECOMMENDATION**

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

### **CONTRARY DECISION NOTICE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning and Building Control**

17 June 2002

(CSI/MS)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Replies.
4. Representations.
5. Ayr County Development Plan.
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. Approved Ayrshire Joint Structure Plan.
8. Approved Strathclyde Structure Plan.

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

***Implementation Officer: Dave Morris***

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0761/FL

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Location	4 Main Street NEWMILNS
Nature of Proposal	Proposed Change of Use from Petrol Station to Car Valeting Centre
Name & Address of Applicant	Miss Helen Thomson 8-12 Bridge Street GALSTON KA4 8AE
Name & Address of Agent	

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DPO's Ref: Craig Iles  
PPO's Ref:

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

1. Notwithstanding the approved plans, a car parking layout shall be submitted to for approval by the Planning Authority within 21 days of the date of this consent. This layout shall indicate one parking space for washing and one waiting customer space. Vehicle parking on site shall be carried out in accordance with approved amended plan within 14 days of the amended scheme being approved.

REASON In the interests of road safety.

2. Notwithstanding the plans hereby approved all drainage from the site shall connect to the public sewer.

REASON In the interest of public safety.

**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**