

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE – 02 FEBRUARY 2001

**00/0835/FL – CHANGE OF USE FROM A VACANT FACTORY
INDUSTRIAL SITE TO USE AS A GARAGE YARD AND WORKSHOP FOR
A MINI-BUS, TAXI AND PRIVATE HIRE BUSINESS
AT PART OF FORMER STATION YARD, BARRHILL TERRACE,
CUMNOCK**

APPLICATION BY MR R WHITE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Detailed planning permission is sought for the change of use of the vacant factory unit and industrial site to use as a garage yard and workshop for a mini-bus, taxi and private hire business. No internal or external alterations are proposed. Within the building, it is proposed to store taxi's and mini-buses, carry out minor repairs and take bookings from two office areas.

1.2 The applicant currently operates his businesses from two premises within Cumnock, and now intends to consolidate his businesses at the proposed site. It is estimated that there will be approximately 30-35 vehicles entering and leaving the site twice a day. Most of the work is school and social work contracts with vehicles departing and arriving between 8.00am and 9.00am and 2.30pm and 5.00pm. There will however be vehicle movements outwith these hours. These would normally be at weekends and would involve an estimated 6 vehicles leaving the site during the early evening and re-entering during the early hours of the morning i.e between 12.00am and 2.00am.

2. DEVELOPMENT DESCRIPTION

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 is indicated at paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at paragraph 6.2.1 above, there are material considerations relevant to this application. It is considered that the weight that

should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

3.2 The site is not specifically safeguarded for industrial use within the EALP. The proposed change of use to a garage/workshop for taxi's and mini-business is therefore in accordance with the policies contained therein. Whilst there will be a significant number of vehicle movements to and from the site, the majority of these movements will take place between 8.00am and 5.00pm. Given that this is an established industrial site, it is not considered that the change of use would significantly alter the amenity of the area.

3.3 With regard to the objections received, concerns regarding road safety and parking have not been echoed by the Roads Division. Concerns regarding the noise of vehicles and vehicle maintenance can be alleviated by attaching a condition to any planning consent restricting the hours of vehicle maintenance of vehicles.

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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AT PART OF FORMER STATION YARD, BARRHILL TERRACE,
CUMNOCK****APPLICATION BY MR R WHITE****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 as the proposed development is subject to objections.

2. APPLICATION DETAILS

2.1 The site lies to the north side of Barrhill Terrace, approximately 60 metres north west of its junction with Barrhill Road. The site comprises a vacant industrial unit (approximately 1000 square metres in size) and surrounding land which consists of a car parking area to the front and a yard to the rear. The site is surrounded by land which is to remain in industrial use. The industrial building lies 30 metres eastwards from the nearest residential property at Barrhill Terrace and 30 metres westwards from Bute House nursing home.

2.2 **Proposed Development:** Detailed planning permission is sought for the change of use of the vacant factory unit and industrial site to use as a garage yard and workshop for a mini-bus, taxi and private hire business. No internal or external alterations are proposed. Within the building, it is proposed to store taxi's and mini-buses, carry out minor repairs and take bookings from two office areas.

2.3 The applicant currently operates his businesses from two premises within Cumnock, and now intends to consolidate his businesses at the proposed site. It is estimated that there will be approximately 30-35 vehicles entering and leaving the site twice a day. Most of the work is school and social work contracts with vehicles departing and arriving between 8.00am and 9.00am and 2.30pm and 5.00pm. There will however be vehicle movements outwith these hours. These would normally be at weekends and would involve an estimated 6 vehicles leaving the site during the early

evening and re-entering during the early hours of the morning i.e between 12.00am and 2.00am.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has not responded to the consultation letter.

Noted.

3.2 West of Scotland, British Gas Transco, Scottish Power and the Coal Authority have no adverse comments to make on the proposed development.

Noted.

3.3 East Ayrshire Roads and Transportation Division have no objection to the proposed development subject to conditions. A minimum of 40 parking spaces shall be provided within the curtilage of the site and no surface water shall be allowed to discharge onto the public road.

There is sufficient parking within the site to meet the above requirement. Conditions regarding the above can therefore be applied to any planning consent if granted.

3.4 East Ayrshire Council, Environmental Health Division advise that due to the proximity of neighbouring domestic properties, any maintenance works on vehicles or buildings should be limited by means of restricted hours, due to the probability of noise pollution. Furthermore, a suitable petrol or heavy fuel interceptor must be included within the drainage system to prevent contamination of surface water drains due to run off.

A condition can be attached to any planning consent restricting the hours of maintenance works. Furthermore, a note can be attached advising of drainage arrangements.

4. REPRESENTATIONS

4.1 Two letter of objection have been received with regard to the proposed development as follows.

4.2 Barrhill Terrace is already used as a mini-roundabout to turn, and vehicles do not slow down. The access to the yard is adjacent to their runway and is a concealed entrance. They have concern for the safety of their small children. Furthermore, parking in Barrhill Terrace is very restricted.

East Ayrshire Roads and Transportation Division have no objection to the proposed development (See paragraph 3.3). There is adequate parking to be provided within the site for both business and staff vehicles. A condition could be attached to any

planning consent requiring that all vehicles associated with the business are parked within the site.

4.3 In accordance with the Deed of Excambion proposed parking should be confined solely to the area outlined in red on the plan and the access road up the side of the building should be no more than 4 metres wide along its parallel length.

These are legal matters relating to the Title Deeds of the adjacent site, and are not material considerations in the determination of this application.

4.4 Will the business be operating 24 hours a day, seven days a week, 52 weeks of the year? What precaution will be taken to alleviate noise from engine's, doors opening and closing and vehicle testing by mechanics?

A condition can be attached to any planning consent which would restrict the hours of maintenance work on the vehicles and of the washing of vehicles. It is acknowledged however that there will be vehicles movements to and from the site outwith these restricted hours. It is considered however, that such movements are not uncommon at industrial sites. Furthermore, the adjacent residential dwellings front the A70, a main road with significant traffic flows.

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 Adopted Ayrshire Joint Structure Plan and the Adopted Cumnock - Auchinleck Local Plan, (1992). The Adopted 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 Policy 26 which states that there will be a presumption that existing industrial buildings should be retained for industrial use.

The proposed development would result in a change of use of the site to an non industrial use. The proposed development is therefore contrary to the provisions of the Adopted Plan.

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 (1999) and the objections assessed in Section 4 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 (EALP) should be considered as a prime material consideration.

6.2.1 The site is affected by Policy IND8 which states that other than those sites specifically safeguarded for industrial use under Policy IND4 above, proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to the following criteria:

- (i) the proposed use not being detrimental to surrounding established uses; and

The site lies in close proximity to residential properties and a nursing home. Whilst it is acknowledged that there will be a significant number of vehicle movements and increased activity within the site, this is an established industrial site. It is therefore considered that the proposed use would not significantly alter the amenity of the area. Furthermore, a condition can be attached to any planning consent which would restrict the hours of maintenance work on the vehicles.

- (ii) the proposal meeting with the requirement of all other relevant Local Plan policies.

There are no other relevant Local Plan policies which the proposed development has to be determined against.

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 paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at paragraph 6.2.1 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

8.2 The site is not specifically safeguarded for industrial use within the EALP. The proposed change of use to a garage/workshop for taxi's and mini-business is therefore in accordance with the policies contained therein. Whilst there will be a significant number of vehicle movements to and from the site, the majority of these movements will take place between 8.00am and 5.00pm. Given that this is an established industrial site, it is not considered that the change of use would significantly alter the amenity of the area.

8.3 With regard to the objections received, concerns regarding road safety and parking have not been echoed by the Roads Division. Concerns regarding the noise of vehicles and vehicle maintenance can be alleviated by attaching a condition to any planning consent restricting the hours of vehicle maintenance of vehicles.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
19th January 2000
VE/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation
5. East Ayrshire Local Plan, Finalised Version.
6. Cumnock – Auchinleck Local Plan
7. Adopted Ayrshire Joint Structure Plan.

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 00/0835/FL

Location	Part of Former Station Yard, Barrhill Terrace, Cumnock
Nature of Proposal:	Proposed Change of Use from a Vacant Factory and Industrial Site to Use as a Garage Yard and Workshop for a Mini-Bus, Taxi and Private Hire Business
Name and Address of Applicant:	Mr R White 92 Ayr Road CUMNOCK KA18
Name and Address of Agent	Mrs G Roberts 8 Main Road WATERSIDE By Kilmarnock

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

(1) No vehicle maintenance or washing of vehicles shall take place before 8.00am and 6.00pm on Mondays to Fridays, before 8.00am and 5.00pm on Saturdays and at any time on Sundays.

REASON: To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

(2) All business vehicles shall be stored inside the building at all times.

REASON: In the interest of residential amenity.

(3) Parking spaces for 40 cars shall be provided and maintained within the site, prior to the commencement of the use hereby approved.

REASON: In the interest of road safety.

(4) All parking associated with the development hereby approved shall be retained within the site.

REASON: In the interest of road safety.

(5) No surface water shall be allowed to discharge onto the public road.

REASON: In the interest of road safety.

(6) Formal application for planning permission in respect of detailed plans of any

proposed new buildings, extensions or alterations (including building materials), and any new accesses, shall be submitted to and approved by the Planning Authority before any such development commences.

REASON: The approval relates to a change of use only.

(7) Details of of the proposed spot-lights and CCTV cameras, including their location, shall be submitted to and approved by the Planning Authority, and these shall be sited so as minimise any nuisance to adjacent properties.

REASON: In the interests of residential amenity.

(8) No storage of parts/materials associated with the vehicle maintenance shall take place outside the workshop building.

REASON - In the interests of residential and visual amenity.

(9) The washing of vehicles shall at all times be undertaken in such a manner that no spray or other cleaning fluids shall pass onto adjoining property.

REASON - In the interests of residential amenity.

(10) A scheme showing the provision to be made for the disposal of refuse and other waste materials generated by the proposed use shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON - In the interests of visual amenity.

NOTES

1. East Ayrshire Council, Environmental Health Division advise that drainage from the development should include a heavy fuel interceptor.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA