

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 16 JUNE 2000 00/0230/FL : PLANNING PERMISSION FOR ERECTION OF GARAGE FOR BUSINESS VEHICLES, SITING OF STORAGE UNIT AND ERECTION OF 2.4 METRE HIGH FENCE AT PLOT 2 BARSKIMMING ROAD, MAUCHLINE

APPLICATION BY MR A McLEAN

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 planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is subject to letters of objection.

2. APPLICATION DETAILS

2.1 The site lies approximately 60 metres north-east of Barskimming Road, within Mauchline Outstanding Conservation Area. The site lies within a mixed business/industrial area which is screened by a 1.8 metre high wall to the south and west.

2.2 The site extends to approximately 390 square metres. The site is bounded to the west by residential properties, to the south by Tanfield Lane and residential properties, and to the north and east by business/industrial premises.

2.3 **Proposed Development:** Full planning consent is sought for the erection of a garage for commercial vehicles, siting of storage unit and erection of a 2.4 metre high fence on the site which has previously been used a builder's yard. The proposed flat roofed garage would be approximately 4.2 metres in height at the front, 4 metres high to the rear, 6.9 metres in length and 9 metres wide. The garage would be roughcast, with corrugated sheeting to the roof. There is an existing brick boundary wall (1.8 metres in height) to the south and west of the site. It is proposed to erect a 2.4 metre high metal palisade fence along the north and east boundaries. Vehicles stored in the garage will be a 7.5 tonne lorry, a fork lift truck and a skidsteer loader. There are currently two steel storage containers on site. It is proposed to retain one of these containers on site. The container is flat roofed, 2.6 metres high, 2.4 metres wide and 6 metres in length.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections on the proposed development.

Noted.

3.2 West of Scotland Water have no adverse comments to make on the proposal.

Noted.

3.3 British Gas Transco and Scottish Power have no adverse comments to make on the proposal.

Noted.

3.4 Mauchline Community Council and The Coal Authority have not responded to the consultation letter.

Noted.

3.5 East Ayrshire Council Department of Community Services Environmental Health and Waste Management Division state that given the wide variety of commercial activities which currently operate within the overall site complex (including a coachworks) I would not consider that this Service would have any objection in principle to this application. I would not consider that this Service could reasonably suggest any restrictions on hours of use of the garage, although it might be pertinent (if feasible) to incorporate a condition restricting any work operations within the proposed premises to day time limits. The principal concern of this Service would be to ensure that the business can operate without causing any nuisance to adjacent householders in Tanfield Lane. I would hope that the imposition of some restriction on work activities will permit satisfactory use of the premises by the applicant without causing significant problems to neighbouring residents.

As there is no change of use involved with the application, it would unreasonable to attach any condition restricting working hours.

4. REPRESENTATIONS

There are 5 objections to the proposed development.

4.1 The objectors have consulted their lawyer about the size of the said plot. They shall be issuing a letter to Mr McLean's lawyer to stop further development until the matter of the plot size is resolved. They feel that any building would be affected if the size was altered i.e. for access for turning. They would like planning to hold back the application for the benefit of Mr McLean and themselves.

The applicant has confirmed that he owns all the site. The above objection is therefore a legal issue and is not material in the determination of the application.

4.2 My husband was refused a planning application for a building to the side of our property, on the grounds that it would be unsightly to private housing. We also feel Mr McLean's application would be seen in the same light as ours.

Each planning application is determined on its merits, and it would be inappropriate to compare this application with other planning applications.

4.3 The erection of this garage would totally obliterate any light coming into the objector's house.

The proposed garage would be approximately 13.6 metres from the objector's house. It is therefore considered that a 4.2 metres high garage, 13.6 metres from the front of the house would not have the adverse impact attributed to it.

4.4 At the moment the outlook from our house is not great, but it would be non-existent if a garage was built at my front window.

The front of the objector's house fronts Tanfield Lane and the industrial site off Barskimming Road. There is a 1.8 metre high brick wall along the boundary of the site and Tanfield Lane. The wall currently screens the site. The proposed garage would be approximately 13.6 metres from the objector's house, and would be partly screened by the existing wall. It is therefore considered that the proposed garage would not have an adverse effect on the amenity of the properties on Tanfield Lane. Furthermore, the right to, or preservation of, an outlook is not a valid planning consideration.

4.5 An objection is based on noise coming from the plot. Two young children sleep in one of the front rooms and the workmen on the proposed site have been moving heavy tractors and lorries late into the evening when the children are trying to sleep. They foresee the proposed development making this matter much worse.

The applicant currently uses the site for carrying out his business. The erection of a garage should not in itself result in increased activity at the site. The site lies within an area of mixed residential/business/industrial use. These uses include a vehicle repairs garage. The site therefore already generates noise and activity.

4.6 They are strongly opposed to the proposals to erect such a large building, and even more opposed to the detrimental effect that the use of the

building will have on local residents and the surrounding area.

See Section 4.5

4.7 The proposed development is within a Designated Conservation Area and they were under the impression that all planning was strictly controlled and should not alter the appearance of the area, which this building undoubtedly would.

The proposed garage lies within Mauchline Outstanding Conservation Area however this designation does not restrict changes to the area provided they are in keeping with the character and appearance of the Conservation Area. It is proposed to site the garage within a mixed use area, which includes both pitched and flat roofed properties of various finishes. The applicant was asked to consider a pitched roof garage, but declined.

4.8 The erection of this large garage will adversely affect the residential amenity of the area and the quality of life for local residents.

Although it is noted that the proposed garage would be in proximity to a number of residential properties, it is considered that it would not have an adverse effect on existing residential amenity. The area currently consists of residential, business and industrial uses (including the storage of business vehicles). It is proposed to site the garage adjacent to existing industrial uses. There is no change of use involved with the application.

4.9 The visual impact will be significant and the building will be clearly visible from as far as Cumnock Road. The outlook from my property would also be significant. In short, the skyline to the rear of their property would be replaced with the building.

The garage would be partly screened from the objector's house by the existing 1.8 metre high wall. Although the garage would be sited only 0.5 metres from the objector's rear boundary, it would be approximately 18 metres from the dwellinghouse. Outlook I, as previously mentioned, not a valid planning consideration.

4.10 The noise created by heavy machinery in a confined area will detrimentally affect the local environment and disrupt the existing use of residents gardens. You should be aware that a large container was sited in the area proposed for development several months ago. Since that time, around 6pm or 7pm in the evenings, including weekends, JCB's and a lorry arrive. The JCB's move around in the area for up to an hour at a time, during which time the tranquility of the area is altered by the noise of engines. The smell of diesel fumes is so strong that it is unpleasant to remain outdoors. The smell also contaminates washing hanging outdoors.

This application is not for a change of use as the applicant currently carries out the above activities within the provisions of current planning legislation. The industrial area has been established for more than 10 years. Furthermore, there is an existing car repair garage and storage of commercial vehicles within the industrial area. It is therefore considered that the erection of the garage would not in itself result in an increase in noise and activity at the site.

4.11 The high cabbed vehicles using the site will infringe on the privacy of nearby properties.

These type of vehicles can currently use the site without requiring permission from the Planning Authority.

4.12 Birdlife in the area is diverse and birds congregate and roost in the trees around the area proposed. If approved, birdsong will be replaced with engine noise, particularly in the morning and evening. In summertime, the swallows and housemartins swoop and dive in this area catching insects. The noise and fumes created by such a development will undoubtedly force the birds to an alternative site.

See Section 4.10

4.13 The pollution from the fumes will spoil the use of resident's gardens when vehicles are operating. The proximity of heavy vehicles and the exhaust fumes will also raise pollution levels in general and have an effect on the organic vegetable patch which their family have enjoyed for 15 years. The smell also contaminates washing hanging outdoors.

See Section 4.10

4.14 Directly adjacent to the boundary wall, between my property and the redline site, there are 5 established trees. The fibrous feeder roots of the trees will undoubtedly extend to the footprint of the building. Excavation works will adversely affect the health and longevity of the trees, which are protected by conservation area status. Proceeding with development as shown is in contravention with current British Standard BS5837 Trees in Relation to Construction 1991. In accordance with this document, protective fencing should be erected at a minimum distance of 6 metres at a minimum distance of 6 metres from the trees to protect the root zone and no groundworks should be carried out within this area. It is worth noting that two of the established trees within my property are *Thujaopsis dolabrata* and this genera of trees is not common.

It is considered that the foundations of the garage would be no deeper than the existing wall between the site and the trees.

4.15 Giving consent to this application would not only be a change of use of the land in question, but would also impact on the use and enjoyment of the surrounding land by detracting from residential amenity and lowering the quality of life for residents.

See Section 4.10.

5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site lies within Mauchline Outstanding Conservation Area and is affected by business and industry, residential and built environment policies.

5.2 Business and Industry Policy IND6 states that all proposals for new industrial or business development on land not specifically identified for such purposes on the Local Plan Maps and change of use of existing premises to industrial or business use, will require to be justified against all of the following criteria:-

- (i) locational need;

The applicant currently uses the site for his business as a hard landscaping contractor and consequently wishes to erect a garage on the site. It is considered that the use, given the site's history, does not in itself require consent and consequently Policy IND6 does not apply in these circumstances.

- (ii) availability of alternative land/premises in established industrial area or on land identified as part of the marketable industrial land supply.

There is one site within Mauchline at Station Road, identified as an industrial area. The applicant however proposes to use the garage for the storage of vehicles and does not propose to carry out an industrial process.

- (iii) economic benefit;

The applicant currently employs one other person.

- (iv) impact on surrounding environment and adjacent uses;

Although the site is not specifically identified within the plan as an industrial area, the site forms part of an industrial site where existing uses include a car repair workshop. The site is in close proximity to residential properties, however it is not considered that the proposed garage and storage unit would be detrimental to the amenity of the area.

- (v) transportation and infrastructure implications.

There are no transportation or infrastructure implications involved with the application. The Roads Division have no objection to the proposal.

- (vi) loss of public amenity open space;

The proposal would not result in the loss of public amenity open space.

5.3 Built Environment Policy ENV4 states that the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

It is proposed to site the garage within an area where there are a number of business/industrial workshops. These consists mainly of brick built pitched roof buildings, but also includes roughcast and flat roofed properties. The adjacent residential properties are sandstone with slate roofs. The proposed flat roofed garage would be roughcast, however given the character of the nearby workshops and the fact that the site is relatively enclosed (it would not be visible from any public road), it is considered that the garage would not be unsympathetic to the character of the existing buildings and of the area.

5.4 In terms of the Mauchline-Drongan Ochiltree Local Plan, the proposed development is affected by Policy IND2. This policy states that there will be a presumption that existing industrial buildings should be retained for industrial uses.

This policy relates to the existing industrial buildings which are adjacent to the site. None of these buildings would be affected by the proposed development.

6. OTHER PLANNING CONSIDERATIONS

6.1 None.

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 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development is consistent with the policies contained therein. Although the site is not identified for industrial uses within this plan, it is considered that the proposed garage would be compatible with surrounding land uses and due to its location, would not have a detrimental impact on the character of the Conservation Area. Furthermore, the history of the use of the site is such that activities of the type proposed are well established.

8.2 With respect to the objections, concerns regarding the size of the plot, ie whether it is all under the ownership of the applicant, are a legal matter. Furthermore, concerns regarding outlook are not a valid planning consideration. With regard to objections about noise, there are other noise generating activities within the area, and planning have no control over current activities carried within the proposed site. As the applicant stores vehicles on the site and there is no increase in vehicle activity, it would be unreasonable to attach a condition to the planning consent restricting the use of the garage ie vehicle movements to and from the garage, within unsociable hours. It is not considered that the proposed development would have a detrimental impact on visual and residential amenity.

9. RECOMMENDATIONS

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

Alan Neish
Head of Planning and Building Control
PC/SMB
06 June 2000
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.

2. Statutory notices/certificates.
3. Consultation responses.
4. Letters of objection.
5. East Ayrshire Local Plan, Finalised Version.
6. Mauchline-Drongan Ochiltree Local Plan.

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

Implementation Officer : Pamela Clifford

AGENDA