

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 07 JUNE 2002

02/0157/FL: PROPOSED CHANGE OF USE FROM GARAGE FOR STORAGE PURPOSES TO CAR REPAIR BUSINESS AT LAND TO THE REAR OF 112-114 MAIN STREET, AUCHINLECK

APPLICATION BY R D HUNTER & CO

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for a change of use of the existing garage premises to use as a car repair business. The applicant has indicated there would not be an increase in the number of vehicles using the site.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) also presume against the application.

3.2 The Environmental Health and Waste Management Service has recommended that the application should be refused on the grounds of detriment to residential amenity.

3.3 One letter of objection has been received, the grounds of which relate to negative impacts on privacy, residential amenity, security, safety and road safety. It is considered that there are indeed an acceptable impact which would arise in the event of any grant of planning consent.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will not be required to be referred to the Development Services Committee for determination as such a decision 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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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 proposal is contrary to policy, is subject to an objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an existing garage which lies to the rear of 112-114 Main Street in Auchinleck. The garage is presently used for storage purposes and is accessed from Main Street via a narrow access lane. Existing residential properties lie between the premises and Main Street and to the north of the site, whilst a Masonic Lodge lies to the south of the site. Beechwood Park football ground lies to the rear of the application site. The premises form a small courtyard with the adjacent residential properties (which front onto Main Street). The northern edge of the courtyard is closed off by a lock-up, which is presently in use as a painter/decorator's store.

2.2 **Proposed Development:** Full planning permission is sought for a change of use of the existing garage premises to use as a car repair business. The applicant has indicated there would not be an increase in the number of vehicles using the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to conditions in respect of the installation of a speed reducing feature on the access road to the site and that no vehicles associated with the business are parked on the access road.

Should the application be approved, appropriate conditions in respect of the above can be included on the planning permission.

3.2 East Ayrshire Council Environmental Health and Waste Management Service has recommended that the application should be refused on the grounds that the proposal would give rise to a significant amount of noise which would be difficult to control, in close proximity to residential properties.

The application site lies approximately 6 metres from the rear boundary of the residential property at 112 Main Street. Whilst the applicant has indicated that there would be no increase in the number of vehicles using the premises, the proposed change of use would, it is considered, have implications for residential amenity by virtue of noise, smell and vibrations. It is therefore considered that a car repair business in such close proximity to residential properties would have a detrimental impact on residential amenity and the enjoyment of these properties.

3.3 Scottish Water has no objection to the proposal provided its operational requirements can be satisfied.

Noted.

3.4 The Scottish Environment Protection Agency has not responded to the consultation letter at the time of writing this report.

Noted.

3.5 Auchinleck Community Council has no objection to the proposal.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received from the occupier of an adjacent residential property. The grounds of objection can be summarised as follows:-

4.2 Impact on Privacy

It is not considered that the proposed development would have significant implications for the privacy of existing properties given that a significant level of activity presently taking place within the courtyard area.

4.3 Impact on Residential Amenity

See response to 3.2 of the report. It is considered that, whilst the overall level of activity may not increase, the nature of that activity would alter as a result of the change of use. As noted, it is not

considered that the proposal is a suitable form of development in such close proximity to residential properties.

4.4 Impact on Security - the proposal would bring about an increase in people visiting the premises and thieves could target parked cars associated with the business.

The security implications for vehicles associated with the business is not a material consideration in the determination of the application. However, any detriment to residential amenity arising from an increase in persons visiting the premises would be a material consideration.

4.5 Impact on Safety - the car repair business will use gas burners and paint sprayers and fire engines would have difficulty accessing the premises.

As noted in paragraph 3.2 of the report, the Environmental Health and Waste Management Service has recommended that the application be refused on the grounds of residential amenity, although it did not specifically mention matters of public safety. The Roads and Transportation Division has not objected to the proposal in terms of access for emergency vehicles.

4.6 Impact on Road Safety

As noted in paragraph 3.1 of the report, the Roads and Transportation Division has not objected to the proposal on the basis that the applicant has indicated that there will be no increase in the use of the access road and subject to the installation of a speed reducing feature in the interests of road safety.

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 (1999) and the Adopted Cumnock and Auchinleck Local Plan (1992). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Policy 25 of the Adopted Local Plan states that development which is detrimental to the amenity and enjoyment of nearby dwellinghouses will not be permitted within areas of mixed uses.

As noted in Paragraph 3.2 of the report, it is considered that a car repair business would have a detrimental effect on neighbouring

residential properties that lie adjacent to the site. The proposal is therefore contrary to Policy 25 of the Adopted Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2001, the consultation responses and the letter of objection.

East Ayrshire Local Plan (Finalised Version with Modifications)

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 as a prime material consideration.

6.3 Policy IND 6 of the EALP provides that all proposals for new industrial/business developments on land not specifically identified for such purposes will require to be justified against a series of set criteria, including:-

(i) locational need

No site specific locational need has been identified in respect of the proposal.

(ii) availability of alternative land/premises in established industrial areas.

No information has been given to suggest that no land within established industrial areas is available.

(iii) economic benefit

It is considered that the proposed business would be of limited economic benefit to the surrounding area.

(iv) impact on surrounding environment and adjacent uses

See response to 3.2 of the report.

(v) transportation and infrastructure implications

The Roads and Transportation Division has not objected to the proposal.

It is therefore considered that the proposal is contrary to the terms of Policy IND 6.

Consultations

6.8 The Environmental Health and Waste Management Service has indicated that the application should be refused on the grounds of detriment to residential amenity.

Noted.

Representations

6.9 The letter of objection relates to a number of points including impact on residential amenity.

Noted.

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 indicated in Section 5 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) also presume against the application.

8.2 The Environmental Health and Waste Management Service has recommended that the application should be refused on the grounds of detriment to residential amenity.

8.3 One letter of objection has been received, the grounds of which relate to negative impacts on privacy, residential amenity, security, safety and road safety. It is considered that there are indeed an acceptable impact which would arise in the event of any grant of planning consent.

9 RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will not be required to be referred to the Development Services Committee for determination as such a decision would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control
23 May 2002
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificate.
3. Consultation responses.
4. Letter of representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Cumnock and Auchinleck Local Plan.
7. East Ayrshire Local Plan (Finalised Version with Modifications).

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer: Dave Morris

