

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 07 JUNE 2002

**02/0243/FL: PROPOSED CHANGE OF USE FROM MARKET GARDEN TO
COACH OPERATOR'S PARKING FACILITY AT THE LOAN, MAUCHLINE**

APPLICATION BY MR J MILLIGAN

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for a change of use of the existing market garden to form an extension to an existing coach operator's parking facility. The applicant has confirmed that the number of coaches operating from the extended facility will not be increased.

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 other 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 advised that the proposal would likely give rise to environmental nuisances and that complaints of noise, fumes, dust and vibration would likely be received. In addition, the representations received also echo the concerns of that Service.

3.3 It is considered that the extension of the existing coach parking facility into the application site would have a detrimental impact on the residential amenity and enjoyment of those residential properties that lie in proximity to the proposed site.

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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APPLICATION BY MR J MILLIGAN

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 application is contrary to policy, is subject to objections and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a generally flat area of ground which lies to the rear of residential properties on Loanhill Avenue in Mauchline. It is presently occupied by a number of greenhouses and is in use as a market garden, although coaches are parked on part of the site. The application site would be accessed via the existing coach operator's yard should the application be approved. It is presently accessed via a private access road from Loanhill Avenue. The site is separated from the rear gardens of the properties on Loanhill Avenue by a narrow access road serving the rear of those properties.

2.2 **Proposed Development:** Full planning permission is sought for a change of use of the existing market garden to form an extension to an existing coach operator's parking facility. The applicant has confirmed that the number of coaches operating from the extended facility will not be increased.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal.

Noted.

3.2 East Ayrshire Council Health and Waste Management Service has advised that the proposal is likely to give rise to nuisances and that complaints of noise, fumes, dust and vibration would likely be received.

The application site lies approximately 6.5 metres from the rear boundaries of the gardens at 13-21 Loanhill Avenue and between approximately 16 to 26 metres from the rear of those dwellinghouses. Whilst the applicant has indicated that there would be no increase in vehicles using the facility, the proposed change of use would, it is considered, have implications for residential amenity in terms of noise, vibration and fumes. It is therefore considered that this proposed expansion of the existing facility close to residential premises would be detrimental to residential amenity.

3.3 Scottish Power has no objection to the proposal provided the integrity of its apparatus is not compromised.

Should the application be approved, a note can be attached to the planning permission in respect of the above matter.

3.4 Scottish Water has no comments to make on the application.

Noted.

3.5 Mauchline Community Council has not responded to the consultation letter at the time of writing.

Noted.

4. REPRESENTATIONS

4.1 Four letters of objection with five signatories have been received. The grounds of objection can be summarised as follows:-

4.2 The proposal would exacerbate the nuisance caused by fumes, noise and vibration from vehicles idling which at present emanate from the existing premises.

See response to 3.2 of the report. As noted, it is considered that the proposal to expand the area covered by the existing facility would be detrimental to the residential amenity of adjacent premises in terms of noise, fumes and vibrations.

4.3 The facility is located adjacent to a busy footpath and the proposed extension to the facility would, as such, be dangerous to people using the footpath.

This point of objection has not been substantiated by the Roads and Transportation Division.

4.4 Spillage of diesel on the adjacent footpath.

This would be a matter for the Roads and Transportation Division and Environmental Health and Waste Management Service to monitor and enforce.

4.5 The proposal would detract from the aspect from adjacent premises.

Notwithstanding the comments in Paragraph 3.2 of the report in respect of residential amenity, the impact on any view or aspect from a property is not a planning consideration.

4.6 Property values will be diminished.

This is not a material consideration in the determination of this planning application.

4.7 Access to the rear of the property at 15 Loanhill Avenue would be compromised.

This is a legal matter between the objector and the applicant and as such, is not a material planning consideration.

4.8 Any fence or wall to be erected, or any bus parked adjacent to the premises, would result in a significant loss of winter sunlight.

No additional walls or fences are shown on the submitted plans. Should the application be approved, further planning permission may be required for the erection of any fence or wall, depending on its height. Furthermore, should the application be approved, the Planning Authority could control the location of stored buses through the use of an appropriate condition.

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 Mauchline/Drongan/Ochiltree Local Plan (1993). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal falls to be determined with regard to Policy RES 28. Policy RES 28 presumes against development detrimental to the amenity of adjacent residential premises.

See response to 3.2 of the report. It is therefore considered that the proposal is contrary to the terms of Policy RES 2 of the Adopted Mauchline/Drongan/Ochiltree 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 letters of objection.

East Ayrshire Local Plan

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 criteria as follows:

- (i) locational need
- (ii) availability of alternative land/premises in established industrial areas.

No site specific locational need has been identified in respect of the proposal although it is accepted that the application site adjoins the applicants' existing yard.

- (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.

- (iv) 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 of the East Ayrshire Local Plan (Finalised Version with Modifications).

Consultations

6.4 The Environmental Health and Waste Management Service has indicated that the proposal may give rise to complaints of noise, fumes and vibration.

Objections

6.5 The terms of the objections have been assessed in Section 4 above.

7. FINANCIAL OR 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 other 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 advised that the proposal would likely give rise to environmental nuisances and that complaints of noise, fumes, dust and vibration would likely be received. In addition, the representations received also echo the concerns of that Service.

8.3 It is considered that the extension of the existing coach parking facility into the application site would have a detrimental impact on the residential amenity and enjoyment of those residential properties that lie in proximity to the proposed site.

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. Consultation responses.
3. Statutory Notices/Certificates.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted Mauchline/Drongan/Ochiltree Local Plan.
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. Letters of objection.
8. Approved Strathclyde Structure Plan.

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

Implementation Officer: Dave Morris

Location	Loan Garage The Loan MAUCHLINE KA5 6AN
Nature of Proposal:	Proposed change of use from market garden to coach operator's parking facility
Name and Address of Applicant:	Mr J Milligan Loan Garage The Loan MAUCHLINE KA5 6AN
Name and Address of Agent	Alexander Dunlop Watson Street KILMARNOCK KA3 7BY

DPO's Ref: [Derek Scott]
PPO's Ref; []

The above FULL application should be refused for the following reasons:-

1. The proposal is contrary to Policy RES 28 of the Adopted Mauchline/Drongan/Ochiltree Local Plan as it seeks to extend an area used by an existing coach operator's facility which would be detrimental to the residential amenity of adjacent residential properties by virtue of noise, fumes and vibrations.
2. The proposal is contrary to Policy IND 6 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it seeks to extend an area used by an existing coach operator's facility which would be detrimental to the residential amenity of adjacent residential premises by virtue of noise, fumes and vibrations.

**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