

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 MAY 2003

**02/0838/FL: PROPOSED ERECTION OF GARAGE FOR THE STORAGE
OF BUSES, LOAN GARAGE, THE LOAN, MAUCHLINE**

APPLICATION BY WM. MILLIGAN AND SONS (COACHES)

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a new garage building measuring some 28 metres in length by 9.3 metres in width. The garage building will have a dual pitch roof with a height to the ridge of approximately 7 metres. With a floor area of some 260 square metres, the premises would be capable of garaging four full-length coaches. The applicant has confirmed that the number of coaches operating from the extended facility will not be increased as a result of the proposed development. The applicant has stated that the proposed garage is to be used only for the storage of vehicles in the interests of security.

1.2 The garage will be located immediately adjacent to an existing large shed/ workshop building, currently used for the service and maintenance of the applicant's vehicles. The proposed garage will be finished externally in a combination of concrete blockwork with a steel cladding and the roof will be a roof panel system designed to give an appearance of terracotta roof tiles.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reason 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, it is considered that the representations made and the planning history of the site would also presume against the application.

3.2 The applicant has indicated that the future success of his business is dependent on the outcome of this application and the letters of support principally from employees would suggest that jobs would be jeopardised should consent not be granted. However, the proposed development in itself does not impact on the current business operations and will not result in any additional vehicles being operated by the applicant.

3.3 While sympathising with the intentions of the operator to be a good neighbour and continue with a successful business, it is clear that the current level of activity and operations has led to the business outgrowing the site and this has been evidenced of late with the complaints received from neighbouring residential properties.

3.4 The proposed garage, in terms of its design, has been improved on by the applicant. However, it is considered that the encroachment of activities associated with the coach hire business closer to residential properties would result in unacceptable adverse impact on these properties.

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 WM. MILLIGAN AND SONS (COACHES)

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 adjacent to the existing coach hire operators premises and yard at The Loan. It also lies to the rear of residential properties on Loanhill Avenue in Mauchline. The application site was formerly occupied by a number of greenhouses 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. 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 the erection of a new garage building measuring some 28 metres in length by 9.3 metres in width. The garage building will have a dual pitch roof with a height to the ridge of approximately 7 metres. With a floor area of some 260 square metres, the premises would be capable of garaging four full-length coaches. The applicant has confirmed that the number of coaches operating from the extended facility will not be increased as a result of the proposed development. The applicant has stated that the proposed garage is to be used only for the storage of vehicles in the interests of security.

2.3 The garage will be located immediately adjacent to an existing large shed/ workshop building, currently used for the service and maintenance of the applicant's vehicles. The proposed garage will be finished externally in a combination of concrete blockwork with a steel cladding and the roof will be a roof panel system designed to give an appearance of terracotta roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to the condition that no construction vehicles or other vehicles associated with the business shall be parked on the public road (Sorn Road or The Loan) during the construction of the garage.

Noted.

3.2 East Ayrshire Council Health and Waste Management Service has no objections to the proposal but advises that the construction should be carried out at such times, and in a manner, as will not give rise to nuisance. Waste generated from the construction should be disposed of to the satisfaction of the Waste Management Authority. The base of the building should be of impervious material in order to ensure that spillages of fuel do not result in contamination of the subsoil.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Service.

3.3 The Scottish Environment Protection Agency has no objection to the proposal provided the integrity drainage arrangements are to its satisfaction. Roof drainage should be discharged to a soakaway arrangement. Any contaminated drainage arising from the site should be connected to the existing foul sewer to the satisfaction of Scottish Water.

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 objections to the proposed development provided that the applicant provides a soakaway drain for the development.

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

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

Noted.

3.6 West of Scotland Archaeology Service has no comments to make on the proposed development.

Noted.

4. REPRESENTATIONS

4.1 Five letters of objection with seven signatories have been received. Three letters of support and a petition with 23 signatories in support of the

proposed development have also been received. The grounds of objection can be summarised as follows:-

4.2 The location of the bus garage as a whole is a danger to schoolchildren on their way to and from school and to pedestrians using the right of way throughout the day. There is a constant danger for drivers using Sorn Road as cars belonging to bus drivers are double-parked on the bend on the approach to the school.

It is the construction of a new garage within the existing yard that is under consideration, not the merits of the location of the existing business that has been established for some considerable time. The applicant has indicated that the erection of the new garage will not result in any increase in the number of coaches operating from the site.

4.3 The problem of buses being parked inches from our boundary wall will not be eradicated by the provision of a garage. It will lead to more buses being parked at this location.

The proposed building is to be used for the garaging of coaches in the interests of security and should not in itself lead to additional buses being parked adjacent to the objector's boundary wall.

4.4 The proposal would exacerbate the nuisance caused by fumes, noise and vibration from vehicles idling which at present emanate from the existing premises. The fumes penetrate the house via air vents and open windows and are totally unacceptable.

It is acknowledged that the coach hire business is existing but it is considered that the proposal to expand the area covered by the existing facility including the erection of the new garage would be detrimental to the residential amenity of adjacent premises in terms of noise, fumes and vibrations.

4.5 I do not see how the operator can apply to erect a garage on the area he has already been refused to park buses.

The present application requires to be considered on its merits although the planning history of the site is a material consideration in the determination of this proposal.

4.6 We and several neighbours have been subjected to a considerable amount of pollution for more than a year. You can imagine the pollution this causes when all buses are being fired up at the same time in the morning and every time they are in use.

It is considered that with the operation of the coach hire business in close proximity to residential properties, there is potential for

nuisance from noise and fumes. It is considered that although the proposed garage will to some extent contain these potential nuisances, the encroachment of the existing business towards the adjacent residential properties would be detrimental to the amenity and enjoyment of these properties and is likely to result in increased complaints.

4.7 The development is against the guidelines of the Council's own local plan.

The assessment of the proposed development against the provisions of the East Ayrshire Local Plan is given in section 5 of this report. It is considered that the proposed development conflicts with the East Ayrshire Local Plan.

4.8 There is ample ground available for development in at least two local sites identified in the local plan.

It is the construction of a new garage within the existing yard that is under consideration, not the merits of the relocation of the existing business that has been established at its present location for some considerable time.

4.9 A large shed just beyond our boundary wall will greatly diminish our amenity and severely reduce our aspect.

It is considered that the proposed new garage will result in an adverse impact on the amenity of the adjacent residential properties. However, the reduction in the aspect or view is not a material consideration in the determination of this planning application.

4.10 Permission has already been refused for this ground to be used for the parking of buses. The provision of a garage building will in no way go towards alleviating the problems of noise and air pollution, but may only exacerbate the situation as far as noise is concerned.

It is acknowledged that the coach hire business is existing but it is considered that the proposal to expand the area covered by the existing coach hire business, including the erection of the new garage, would be detrimental to the residential amenity of adjacent premises in terms of noise, fumes and vibrations.

4.11 Traffic congestion in the Loan and Sorn Road is bad enough. There is also the question of the safety of schoolchildren passing by the front of the garage on their way

The proposed development will not in itself result in any additional vehicles operating from the existing site.

4.12 A two metres high wall has been erected along part of the boundary of the premises allegedly without planning permission. This sets an alarming precedent of disregard for the neighbouring property owners

The boundary wall that has been erected is currently the subject of further investigation by this Division.

4.13 The letters of support are principally from employees of the applicant who are aggrieved that if this planning application is refused this could place the jobs of some 25 employees in jeopardy.

While noting the comments of the supporters of the application, the planning application is for a garage premise to accommodate buses in the interests of security. The proposed development is not for an expansion of the operational capacity of the business, but for an additional facility to assist in the operational requirements of the coach hire business. It is not considered that the existing operations or levels of employment would justifiably be jeopardised if the proposed development is refused permission.

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 East Ayrshire Local Plan (2003).

East Ayrshire Local Plan

5.2 Policy IND6 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

The site is adjacent to a long established coach operator's yard.

- (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. The applicant has stated that the business is not in a position to consider a relocation of the business to an alternative site.

- (iii) economic benefit

It is considered that the erection of the proposed garage in itself would be of limited economic benefit to the surrounding area.

- (iv) impact on surrounding environment and adjacent uses

The proposed garage will be constructed mainly on the site of the former market garden and this will result in the encroachment of the coach hire business towards the residential properties at Loanhill Avenue. It is considered that the operations of the coach hire business, albeit in part contained within the proposed garage, will still have a significant adverse impact on the amenity and enjoyment of these residential properties through noise, vibration and vehicle emissions.

- (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.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal considerations relevant to the determination of the application are the consultation responses, the letters of objection, the letter of support from the applicant and the planning history of the site.

Consultations

6.2 There are no consultation responses that would suggest that the application be refused.

Representations

6.3 The terms of the objections have been assessed in Section 4 above. It is considered that the grounds of objection in relation to impact on residential amenity are of sufficient merit to warrant refusal of the application.

Planning History

6.4 Planning permission for a change of use of the application site from a market garden to a coach operators parking facility was refused by the Council on 07 June 2002 on the grounds that the development was contrary to policy and would impact on the residential amenity of adjacent properties (Ref. No: 02/0243/FL).

6.5 A subsequent planning appeal against the decision of the Council was dismissed by the Scottish Ministers on 05 March 2003. The Reporter concluded that the development was contrary to policy. Furthermore while the reporter recognised the valuable service the applicant's business provides to the community and is an important source of employment, these advantages were not of a force sufficient to counter the adverse environmental impact that is likely to be suffered by nearby residential properties.

The Reporter was of the view that the principle of using the application site to extend the operational area of the coach hire business was unacceptable. In the present application, the same principle is applicable in that the applicant still seeks to use this area of land, albeit that it now involves the erection of a garage building. While operations within the building itself may be contained to some extent, it is considered that the encroachment of the business towards the residential properties would still result in significant adverse impact on the residential amenity of these properties.

Statement of Support by Applicant

6.6 The applicant has indicated that since the refusal of the previous application, he has tried his utmost to meet the requirements of the Planning Division. The proposed garage is a last ditch attempt at trying to salvage this well established successful business based at the same spot in Mauchline for 56 years. The proposed garage would address and reduce the environmental issues of noise and pollution. The applicant contends that the outlook of the residents of Loanhill Avenue is that of a garage at present so a new garage with trees planted up the boundary wall is certainly an improvement. The company is a valuable asset to the community and surrounding area and there would be a knock on effect to other local businesses should the company cease to trade. The applicant requests that the consequences be considered should the application be refused.

Comments as per paragraph 6.5 and comments 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 material considerations relevant to the determination of

the application. In this regard, it is considered that the representations made and the planning history of the site would also presume against the application.

8.2 The applicant has indicated that the future success of his business is dependent on the outcome of this application and the letters of support principally from employees would suggest that jobs would be jeopardised should consent not be granted. However, the proposed development in itself does not impact on the current business operations and will not result in any additional vehicles being operated by the applicant.

8.3 While sympathising with the intentions of the operator to be a good neighbour and continue with a successful business, it is clear that the current level of activity and operations has led to the business outgrowing the site and this has been evidenced of late with the complaints received from neighbouring residential properties.

8.4 The proposed garage, in terms of its design, has been improved on by the applicant. However, it is considered that the encroachment of activities associated with the coach hire business closer to residential properties would result in unacceptable adverse impact on these properties.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reason 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

12 May 2003
HM/HM
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 East Ayrshire Local Plan
6. Letters of objection and support.
7. Previous application 02/0243/FL.
8. Planning Appeal Decision P/PPA/190/87

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

