

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 06 SEPTEMBER 2002

02/0563/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 MR PETER ROBINSON

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. Supporting information has been submitted with the application, which the applicant considers will reduce the effects on adjacent premises of noise, fumes and vibration. In this regard, the applicant has indicated that the hours of operation will normally be 9am to 5pm, Monday to Friday with occasional work on a Saturday. The applicant has also advised that a circulation fan will be installed within the premises which is proposed to extract and filter any fumes which may emanate from the processes carried out within the premises. It has been confirmed that the proposed business will provide for mechanical car repairs only and it is not proposed that spray painting will be carried out. The applicant has also confirmed that an insulated compressor will be installed to eliminate vibration. The applicant has stated that a temporary consent of 1 year would be acceptable.

1.2 The proposal is a resubmission of an earlier application that was refused by the Southern Local Planning Committee on 7 June 2002. The application has been amended to include the measures proposed to reduce the effects on adjacent residential premises of noise, fumes and vibration as outlined in paragraph 2.2 of the report.

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 No adverse consultation replies have been received in respect of the application. The points of objection received add weight to the view that the proposal would not be in the best interest of residential amenity, given its close proximity to residential premises.

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 PETER ROBINSON

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 recommended for refusal and is subject to an objection.

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, approximately only 6 metres away 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. Supporting information has been submitted with the application, which the applicant considers will reduce the effects on adjacent premises of noise, fumes and vibration. In this regard, the applicant has indicated that the hours of operation will normally be 9am to 5pm, Monday to Friday with occasional work on a Saturday. The applicant has also advised that a circulation fan will be installed within the premises which is proposed to extract and filter any fumes which may emanate from the processes carried out within the premises. It has been confirmed that the proposed business will provide for mechanical car repairs only and it is not proposed that spray painting will be carried out. The applicant has also confirmed that an insulated compressor will be installed to eliminate vibration. The applicant has stated that a temporary consent of 1 year would be acceptable.

2.3 The proposal is a resubmission of an earlier application that was refused by the Southern Local Planning Committee on 7 June 2002. The application has been amended to include the measures proposed to reduce the effects on adjacent residential premises of noise, fumes and vibration as outlined in paragraph 2.2 of the report.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Environment Protection Agency has no objection to the proposal provided drainage arrangements are to its satisfaction. In this regard all foul drainage should be connected to the public sewerage system to the satisfaction of Scottish Water.

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

3.2 East Ayrshire Council Environmental Health and Waste Management Service has no objection to the proposal subject to conditions to be included on any consent granted. Those conditions would relate to :

- The granting of a temporary consent for a period of two years;
- Restriction of the working hours to 9am to 5pm Monday to Friday and 9am to 12 noon on a Saturday;
- Wherever possible, the roller shutter door should be kept closed during working hours;
- Installation of the extraction fan on the rear wall of the premises;
- Any compressor to be situated as near to the rear of the premises as possible.

Notwithstanding the comments of the Environmental Health and Waste Management Service, it is not considered that the introduction of a car repair business to a location in such close proximity to residential premises would be in the best interest of residential amenity. Generally, planning principles would indicate that such land uses should be kept separate to avoid any future complaints of noise and disturbance. Whilst the applicant has indicated that a number of mitigation measures are proposed, the proposed change of use would, it is considered, remain to have implications for residential amenity by virtue of noise and general disturbance caused by the intensification of the use of the site. Furthermore, several of the conditions suggested by the Environmental Health and Waste Management Service would be difficult to enforce, particularly the suggested condition requiring the roller shutter door to be kept closed during working hours. 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 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 and become intensified 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 proposal is not considered to be in the best interest of the residential amenity of the adjacent residential premises. The Roads and Transportation Division, which was consulted in respect of the earlier application on the site, has not objected to the proposal in terms of access for emergency vehicles. (The Roads and Transportation Division has not been reconsulted in respect of this application as it represents a significantly similar application to that application refused by the Council on 7 June 2002).

4.6 Impact on Road Safety

As noted in paragraph 4.5 of the report, the Roads and Transportation Division has not objected to the previous application on the basis that the applicant indicated that there will be no increased use of the access road and subject to the installation of a speed reducing feature in the interests of road safety.

4.7 A similar proposal was recently refused by the Southern Local Planning Committee on 7 June 2002.

Whilst this would not in itself be grounds to refuse the current application, it is considered that the material considerations in respect of the determination of this application should be as those in the determination of the previous application, principally the impact on residential amenity.

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, notwithstanding the proposed mitigation measures, the 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 site's planning history, the representations and the consultation responses.

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.

Planning History

6.4 Planning application 02/0157/FL, for the change of use of the premises from storage purposes to a car repair business, was refused by the Southern Local Planning Committee on 07 June 2002. The reasons for refusal were as follows:

1. *The proposal is contrary to Policy 25 of the Adopted Cumnock and Auchinleck Local Plan as it seeks to introduce industrial development into an area of mixed use which would be detrimental to the residential amenity of adjacent properties by virtue of noise, smell and vibration.*

2. *The proposal is contrary to Policy IND 6 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it seeks to introduce industrial development into an area in close proximity to existing residential premises which would be detrimental to the residential amenity of those residential properties.*

Whilst the applicant has amended the earlier proposal by the inclusion of various measures to reduce the impact on adjacent premises of noise, vibration and smell and whilst it has been confirmed that spray painting is not proposed, it is considered that the proposal would remain to have an adverse impact on the amenity of adjacent residential premises. This would be brought about by the general intensification of activity on the site. It is also considered that the mitigation measures would not wholly reduce the negative effects on the adjacent premises.

Consultations

6.5 No consultation replies have been received that would indicate the application should be refused on that basis alone.

Noted.

Representations

6.6 The representation received has been addressed in section 4 of the report.

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 No adverse consultation replies have been received in respect of the application. The points of objection received add weight to the view that the

proposal would not be in the best interest of residential amenity, given its close proximity to residential premises.

8 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
19 August 2002
DS/DS
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificate.
3. Consultation responses.
4. Letter of objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Cumnock and Auchinleck Local Plan.
7. East Ayrshire Local Plan (Finalised Version with Modifications).
8. Previous application 02/0157/FL

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

Implementation Officer: Dave Morris

