

CLACKMANNANSHIRE COUNCIL

Report to Planning Committee of 22nd January 2009

Subject: Planning Application: Alterations and Side Extension of Former Workshop Premises To Accommodate a MOT Test Centre at Bridge Motors, Broad Street, Alloa (Ref: 08/00356/FULL)

Applicant: Iain Murray, 95 Randolph Crescent, Bannockburn

Agent: Strathearn Design, 3 Laurel Avenue, Crieff

Prepared by: Keith Johnstone, Principal Planner

Electoral Ward: Clackmannanshire South

1.0 Purpose

- 1.1. The report considers an application to extend and alter a former printers workshop premises for use as a MOT test centre and vehicle repair garage on Broad Street, Alloa. It is currently used as a "Motor Factors". Having examined the lawful use of the site, the planning merits of the proposal, the advice from consultees, the representations from 3 neighbours and the development plan position, we are persuaded that the principle of the proposed development complies with relevant development policy guidance, and could, subject to the consideration and approval of a noise impact assessment, operate in a manner that would safeguard the residential amenity of adjoining properties. The concerns from neighbours regarding parking and access could be satisfactorily addressed by the applicant subject to the proposed conditions.

2.0 Recommendations

- 2.1. It is recommended that the application is **APPROVED** subject to the following conditions:-
1. Before the commencement of development on the site, details of a noise assessment produced in accordance with BS4142, of the predicted noise levels associated with the proposed activity and any plant or machinery and details of any alterations or works to the building design or regulation of the operation required in order to mitigate noise from the building to a satisfactory level to safeguard the amenity of neighbouring properties shall have been submitted to and approved in writing by the Council as planning authority. Thereafter, the approved measures to mitigate noise

shall be completed in full prior to the garage being brought into use and maintained thereafter.

2. Further to Condition 1 above, the proposed installation of the service door on the north elevation of the extension annotated on the drawing (Dwg No. P-01) is **NOT** approved by this permission.
3. Before any development commences on site, the following details shall have been submitted to and approved in writing by the Council:-
 - a) Samples of the external colour and finish of the extension and the roller shutter door.
 - b) A specification for re-harling the front elevation of the building or an alternative scheme, designed to improve the appearance of the front elevation of the building.
 - c) Details of the siting and means of enclosure of any external storage facilities including the storage of waste.
 - d) Details of the design and location of signage to clearly mark the existing two bellmouth accesses at "In" and "Out".

Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing by the Council.

4. Before any development commences on site, a revised Site Plan drawing showing the proposed location and layout of customer and staff parking within the site and the provision of internal access for customer and service vehicles to enter and egress the site and details of the means of delineation and identification of the spaces shall have been submitted to and approved in writing by the Council, as planning authority. The number of spaces shall be provided at a minimum rate of four spaces for staff and four spaces for customer use only per service bay.

The approved details shall be completed and be available for use prior to the vehicle repair and MOT test centre being brought into use.

5. The use of the vehicle repair garage hereby approved shall only take place between 0800 to 1800 hours Monday to Friday, 0900 to 1300 hours on Saturday and not on Sunday unless otherwise agreed in writing by the Council to satisfy the requirements of Condition 1 above.
6. Construction works on the site shall only take place between the hours of 8.00 a.m. to 6.00 p.m. Monday to Friday and 8.00 a.m. to 1.00 p.m. on Saturday and at no time on Sundays or local bank holidays.

REASONS

1. Insufficient details on noise impact has been submitted with the application and to safeguard the amenity of neighbouring residents.

2. To safeguard the residential amenity of neighbouring properties.
3. To consider these details yet to be submitted in the interests of the amenity of neighbouring residential properties, the character of the Alloa Glebe Conservation Area and road safety.
4. To consider these details yet to be submitted in the interests of road safety and to minimise the risk of overspill parking on Broad Street.
5. To ensure the residential amenity of neighbouring proprietors is satisfactorily safeguarded.
6. To safeguard residential amenity.

3.0 Background to the Proposals

- 3.1. Planning permission is sought to alter and extend commercial premises currently in use as a "motor factors" for use as a vehicle repair garage and MOT centre at Broad Street, Alloa (see location plan). In order to accommodate an MOT standard service bay and ramp, part of the roof at the rear of the building would be increased in height by approximately 1.0 metre above the existing ridge line. The plans submitted with the application include a new door opening on the north facing elevation of the extension to allow vehicles to access the service bay. This door would face the nearest houses. However, during negotiations with the applicant concerning measures to mitigate noise impact, he has indicated a willingness to relocate the entrance door onto the east elevation. This revision could be incorporated into the noise impact assessment which would have to be completed and approved before the development could proceed. The external finishes would be roughcast and profiled sheeting coloured to match the existing building.
- 3.2. It is proposed to use the building principally as a MOT test centre although vehicle repair work would be carried out. The applicant has stated that major repair work would be carried out at his existing garage in Clackmannan. The workshop area would accommodate an MOT test bay including a hydraulic ramp and brake roller and another ramp. The applicant predicts 5 staff would be employed at the site.
- 3.3. The building is currently used by a "motor factors" business which distributes vehicle parts to the motor industry. This use commenced approximately 4 years ago and before that the building was used for over 30 years as a printers workshop. The printers workshop use would fall within Class 5 (General Industrial) of the Town and Country Planning (Use Classes)(Scotland) Order 1997. During our assessment of the application we have been able to conclude that this would still be the lawful use of the site since planning permission has not been granted for change of use of the site to Class 6 (Storage and Distribution) when the motor factors use began. The proposed MOT test centre and vehicle repair uses would also fall within Class 5 (General Industrial) and therefore the proposal would not involve a material

change of use. This is a material consideration in the assessment of the planning merits of the proposal.

- 3.4. There is a sizeable area of yard space to the rear of the building which is underused at present. There are two single width accesses onto Broad Street from the site which operate informally on an "In" and "Out" basis. There is a hot food trailer within the site in front of the building which recently was granted a renewal of temporary planning permission until 1st December, 2010 on appeal to the Scottish Ministers. The applicant has indicated that the trailer would continue to trade from the site under the terms of its planning permission if the development proceeded.
- 3.5. The site lies within the Alloa Glebe Conservation Area and is adjacent to the boundary of the Old Alloa Conservation Area which includes Broad Street. The site is identified on the Proposals Map in the Clackmannanshire Local Plan as part of Residential Proposal Site H20 (Stripehead) although the related Development Guideline states that the development has been completed and refers to the planning permission for the residential development on the corner of Stripehead and Broad Street which did not relate to any part of the current application site. Infrastructure Proposal I10 (National Cycle Route Network) is also shown crossing the southern part of the site on the Proposals Map but this has since been routed to the south of the Post Office sorting office.

4.0 Consultations

- 4.1. Roads and Transportation have no objection to the proposed development subject to the provision of adequate parking for staff and customers, the provision of access through the site for vehicles to access the parking and the provision of signposting of the accesses onto Broad Street as "In" and "Out" only. *Comment: There is sufficient curtilage within the site to provide parking and access for vehicles to satisfy the standard recommended by Roads and Transportation. They have recommended that spaces be provided. Although the layout of the parking and access has not been annotated on the Site Plan at the time of compiling this report, we are satisfied that this could be effectively addressed and regulated by using planning conditions and the absence of the details at this stage would not provide grounds to withhold planning permission.*
- 4.2. Environmental Health highlight that it would be prudent due to the proximity of residential properties for the applicant to undertake a noise assessment to demonstrate that the proposed activity could be operated without an unacceptable reduction in amenity to the neighbouring residential properties. The proposed hours of operation should also be regulated by condition to minimise any significant increase in disturbance to neighbours. *Comment: The applicant has agreed to carry out a noise assessment in response to Environmental Health's advice. The assessment would have to demonstrate to the Council's satisfaction that the development could operate without being likely to generate nuisance to neighbours due to noise. The applicant has also*

indicated he would relocate the access door to the west facing elevation rather than face the nearest houses as part of any other measures to mitigate noise impact which would be formulated through a noise impact assessment. The results of the assessment are unlikely to be available before Committee meets to determine the application but the applicant has no objection to a condition being attached which would prevent development commencing until the council has approved a satisfactory noise assessment. The applicant has also agreed to the proposed hours of operation stated in Condition 5 above

5.0 Representations

5.1. A total of 15 neighbours were notified by the applicant of the application and the application was also advertised in the local press as development in a conservation area.

5.2. As a result of this publicity, three representations have been received from the following parties:-

- (a) Mr Kenneth Earle, 26 Broad Street, Alloa
- (b) Ochil View Housing Association, Ochil House, Marshall, Alloa who manage the residential properties to the north of the site.

(c) Action for Children Scotland, PATH, 19 Broad Street, Alloa

5.3. The main issues raised can be summarised as follows:-

(a) Concern about the detrimental impact from increased noise from vehicles engines and in car amplified music on the existing quality of life and enjoyment of their residential property. This may occur seven days a week.
Comment: *The proposed development has the potential to generate noise and disturbance to the adjoining residential properties particularly given the relative close proximity of some of the properties to the boundary wall with the application site. This issue has been identified by Environmental Health in its consultation response. The applicant has agreed to carry out but has not completed a noise impact assessment at the time of writing this report. The assessment would show whether a noise problem is likely to occur and help identify measures required for its effective control or mitigation including a change to the location of the access to the building. Given the lawful use of the site would be Class 5 (General Industrial) based on the historic use as a printers workshop and the proposed vehicle repair garage would also fall within the same Class 5 classification, it is considered that the general principle of the development would be acceptable subject to appropriate measures identified by the noise assessment to safeguard the standard of residential amenity for existing neighbours. On balance, it is considered that a planning condition could be attached which would require the approval and implementation of the noise mitigation measures prior to the vehicle repair use commencing on the site. The opening hours could also be regulated using a planning condition.*

(b) Concern about the use creating parking demand outwith the site on Broad

Street where demand already exists from existing uses e.g. Church, PATH and Post Office Sorting Office. Comment: *The site has the benefit of a large area of yard space which could accommodate the number of parking spaces recommended by Roads and Transportation in their consultation. The developer would have to provide and delineate these spaces, provide access to them and clearly sign the two accesses onto Broad Street as "In" and "Out" to comply with the conditions if permission was granted. This would satisfactorily address what was the main concern of two of the three objectors.*

6.0 Planning Considerations

6.1. The key issues relevant to the determination of the application can be summarised as follows:-

- (a) Whether the application is consistent with the Development Plan.
- (b) Whether the development helps preserve or enhance the character and appearance of the Alloa Glebe Conservation Area and the adjacent Old Alloa Conservation Area.
- (c) Whether there are any other material considerations that would justify withholding or granting permission including the issues raised by consultees and third parties.

6.2. In terms of point (a) above, there are a number of relevant Local Plan policies which relate to the proposed use, the protection of the character of the conservation area and residential amenity. There are also two Proposals in the Local Plan which relate to the proposed site. These are summarised below:-

6.2.1 Principle of Development

The lawful use of the site is considered to be Class 5 (General Industrial) as discussed in Paragraph 3.3 above. The proposed development would fall within the same Use Class and therefore the applicant could have operated the premises as a MOT test centre and repair garage without the need for planning permission if no alterations had been proposed to the building. Local Plan Policy JOB3 (Small Business) states that where the existing use of a site is business then its retention for business use will be favoured. Subject to ensuring that the environmental impact from development would not adversely affect the amenity of neighbouring proprietors, it is considered that there would not be sufficient or reasonable grounds to withhold planning permission on the basis of the site being used as a MOT test centre and vehicle repair garage. There are two Proposals in the Local Plan that relate to the site according to the Proposals Map. These are Proposal H20 (Stripehead) and Proposal T10 (National Cycle Route Network). The first Proposal actually relates to the residential development to the north of the site and the associated Development Guideline only refers to the planning application for this development which did not include the site of the current application.

Given the proposed development would be consistent with the lawful use of the site, the Local Plan designation would not provide sufficient grounds to withhold planning permission. The second Proposal shows a section of the National Cycle Route passing through the site however the route has actually been created along a path to the south of the Sorting Office south of the site. The application would not prejudice this Proposal.

6.2.2 Environmental Impact

Local Plan Policy EN15 (Planning and Environmental Protection) requires developers to demonstrate that any environmental matter relating to the development has been fully evaluated and that the proposal would not unacceptably affect the neighbourhood. In this case, the proposal could generate noise which could cause nuisance to neighbouring residential properties. This concern has been raised by one of the objectors. Given the principal of the use could not reasonably be refused given the comments in Paragraph 3.3 and 6.2 above, the key issue is whether the development could be designed so that the activity would not create noise nuisance to neighbours. It is considered that; given the potential to attach suitably worded conditions to regulate noise impact; the willingness of the applicant to cooperate with the Council to address the noise impact issues; and the degree of confidence that we and Environmental Health hold that the impact could be satisfactorily mitigated, it would be appropriate in these circumstances to indicate support for the principle of the development by recommending approval but subject to conditions regulating the noise impact. This would still ensure that the amenity of neighbouring houses could be satisfactorily safeguarded in accordance with Policy EN 15. In the circumstances, the objector from the nearest house could be consulted on the recommendations of the noise assessment when the Council determines its merits.

6.2.3 Impact on the Character of the Conservation Area and Amenity of the Area

This issue is also highlighted in point (b) at Paragraph 6.1 above. Local Plan Policy EN10 (Conservation Areas) requires new development in a conservation area to protect and enhance its character. This reflects the duty of the Council under the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 to pay special attention to preserving and enhancing the character of conservation areas. Policy EN11 (Enhancing Environmental Quality) requires new development to positively contribute to its immediate surroundings including through suitable design and external finishes. Although within the Alloa Glebe Conservation Area the site is enclosed by modern development on the north and south while the existing building design is functional. It is considered that the proposed extension would complement the design and appearance of the existing building while a condition would require the cosmetic improvement of the existing front elevation. The development would therefore not have a negative impact on the character and appearance of the Conservation Areas and would comply with Policies EN10 and EN11.

- 6.3. In terms of points (a) and (b) in Paragraph 6.1 above, it is concluded that the application would accord with the Development Plan and preserve the character and appearance of both the Alloa Glebe and Old Alloa Conservation Areas.
- 6.4. In terms of other material considerations referred to in Paragraph 6.1 (c) above, it is concluded that these would not justify outweighing the level of Development Plan support for the application. The most significant issues have been summarised below:-
- (a) The concerns raised by neighbouring proprietors have been discussed at Paragraph 5.3 above. These could be effectively regulated by the proposed conditions. The Council would have to approve a suitable noise impact assessment prepared in accordance with the advice of the Environmental Health Section before development could proceed.
- (b) Roads and Transportation do not object to the application. The conditions require the applicant to provide off-street parking spaces and access to satisfy Roads advice. It is therefore not considered that there would be reasonable grounds to withhold permission due to an adverse impact on road safety or parking on Broad Street.
- 6.5. In summary, the development accords with the Development Plan and the potential noise and parking/access issues raised by neighbours could be effectively regulated by the proposed conditions. Accordingly, the application should be approved.

7.0 Sustainability Implications.

- 7.1. None

8.0 Resource Implications

8.1. Financial Details

- 8.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. x

8.3 Staffing

9.0 Exempt Reports Only - Reasons for Exemption

- 9.1 The report details

10.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008-2011**

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies (Please detail)**


None

11.0 Equalities Impact

11.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
YES ☒ NO ☐

12.0 Legality

12.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. ☒

APPROVAL/SIGNATURE	DATE: 12.01.09
 Head of Service:	

REPORT TO PLANNING COMMITTEE (to accompany all reports to Committee)

To: Head of Administration and Legal Services, Greenfield, Alloa FK10 2AD

Report author: Keith Johnstone, Principal Planner

Service: Development Services

Report title: Planning Application: Change of Use of Storage/Warehouse to Vehicle Repair and MOT Centre, Alterations and Side Extension at Bridge Motors, Broad Street, Alloa (Ref: 08/00356/FULL)

Date of meeting: 22.01.09

It is recommended that the attached report be:

- 1. Given unrestricted circulation** ☒
- 2. Taken in private by virtue of paragraph ___ of schedule 7A of the Local Government (Scotland) Act 1973** ☐

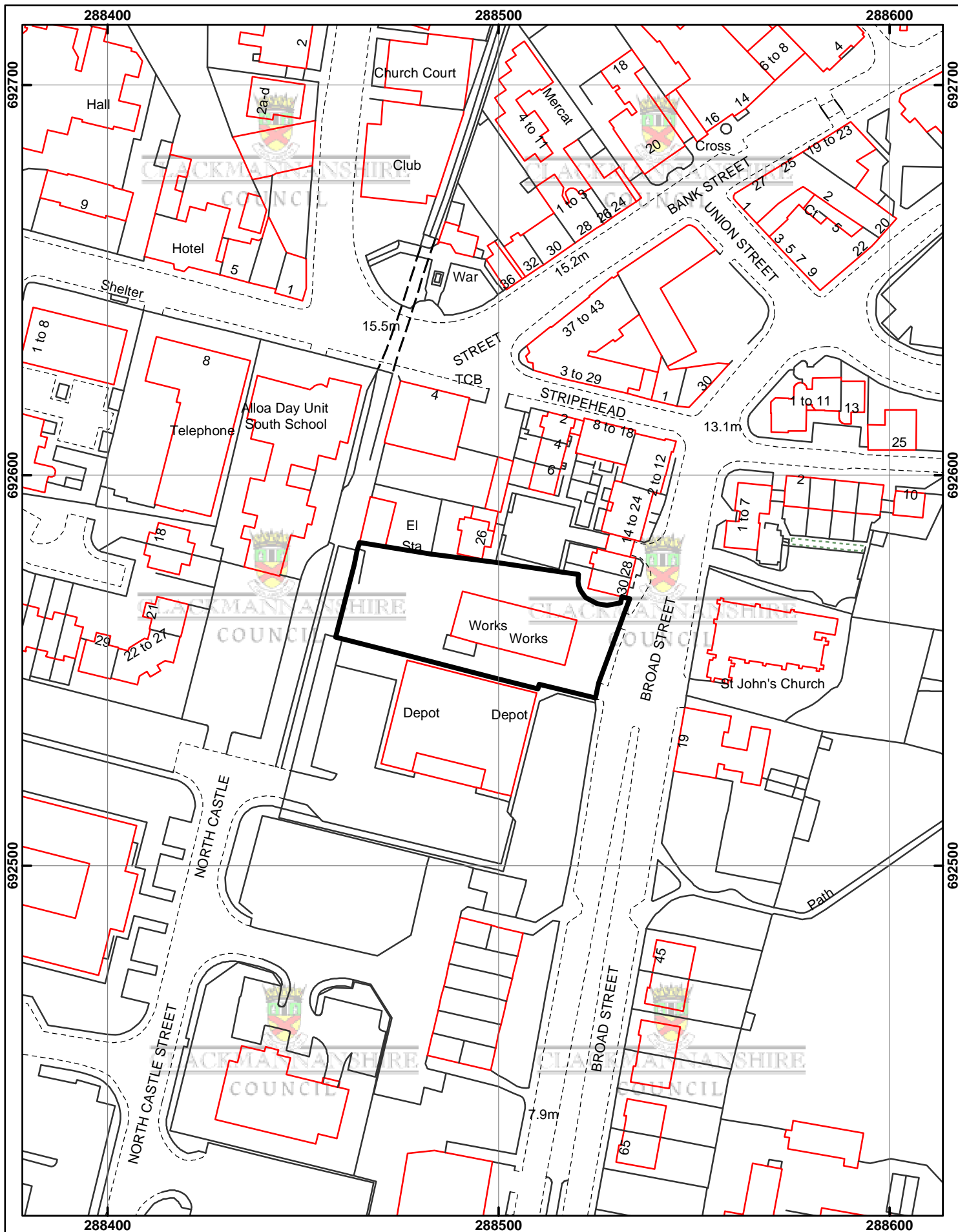
List any appendices attached to this report (if there are no appendices, please state 'none')

1. None

List the background papers used in compiling this report . If you have completed a sustainability checklist please add this to your list (if there are no background papers please state 'none')

- 1. Clackmannanshire and Stirling Structure Plan**
- 2. Clackmannanshire Local Plan**
- 3. Consultation responses**
- 4. Representations**

Nb. All documents listed must be kept available by the author for public inspection for four years from the date of the meeting at which the report is considered



**08/00356/FULL - Bridge Motor Factors, Broad Street,Alloa
Change of Use from Storage/Warehouse to Vehicle Repair
and M.O.T. Centre, Alterations and Side Extension**

0 25 50 75 100 Metres

Scale: 1:1,250

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