West Lothian Council

DEVELOPMENT MANAGEMENT COMMITTEE

Report by the Development Management Manager

1. DESCRIPTION AND LOCATION

Use of workshop for vehicle repairs and use of yard as a depot for passenger service vehicles at No. 67 Station Road, Armadale. (In retrospect)

2. DETAILS

Ref. No.:	0454/FUL/10	**Owner of the site:**	A Johnstone Haulage
Applicant:	Mr. Samuel Douglas	**Ward & local members**	*Armadale & Blackridge* Stuart Borrowman Jim Dixon Isabelle Hutton
Case Officer:	Niall Sheehan	**Contact Details**	01506 775251 niall.sheehan@westlothian.gov.uk

Reason for referral to Development Management Committee.

Requested by Councillor Borrowman, on behalf of a constituent.

3. RECCOMMENDATIONS

Grant temporary planning permission, subject to conditions.

4. DETAILS OF THE PROPOSAL & PLANNING HISTORY

4.1 Planning permission is sought for the use of a yard and garage building to the south of Armadale as a vehicle repair workshop and bus depot.

4.2 The application site comprises a yard located at 67 Station Road, to the rear of a detached house which stands at 65 Station Road, Armadale, one of a row of four detached houses on the east side of Station Road, just to the south of Armadale. The application site, which extends to 0.9 hectares, is bounded to the north-east, north-west and west (on the opposite side of the road) by open countryside which is subject to a minded to grant resolution for a mixed use development with provision for residential properties, (Planning Reference Number: 1044/P/08). The site is located within the settlement boundary of Armadale as defined in the West Lothian Local Plan. The new Armadale railway station on the Airdrie - Bathgate railway line are located in close proximity to the site, to the south.

4.3 The site has a long history of use as a haulage depot; the current owner of the site

has operated from the site since 1996, when he bought it from George Dunn and Sons, who had been operating a haulage business there since the 1950s. The applicant started renting the site in 2008, and used it site as a base for hiring buses, for commercial vehicle repairs and as a base for a private car hire business.

4.4 The council received complaints in 2008 from neighbours of the application site; it was alleged that it was being used as a bus depot and as a car hire control centre; enforcement action commenced in 2008 with the serving of a Section 272 Notice. A planning application for the use of the yard for private car hire/taxi and minibus use was submitted on 13 August 2009 (0601/FUL/09), but was withdrawn by the applicant on 9 September 2009 following an objection from the owner of the site to the private car hire element. This application is for the uses which are currently present on site and which comprise vehicle repairs and a passenger service vehicle depot.

5. PLANNING POLICY

Plan	Policy	Assessment	Conform
WLLP	Policy HOU9 Residential amenity	The current activities on site are uncontrolled, and consequently there is an issue with regard to residential amenity. The proposed conditions would ensure that the garage is only used for servicing vehicles from the depot, and only within normal business hours. This is considered to be sufficient to ensure the use will not give rise to a loss of residential amenity. A temporary grant has been proposed to monitor the use of the site over a 1-year period.	Yes
WLLP	Policy TRAN2 Transport impacts	The use, if controlled, is acceptable.	Yes

6. CONSULTATIONS

Consultee	Consultation Response	Planning Response
Transportation	Transportation have no objection to the application but would recommend that the use of the workshop is restricted to servicing/ repairing vehicles kept at 67 Station Road.	Agreed
Environmental Health	Environmental Health have recommended the imposition of the draft conditions as attached restricting the use of the site and the hours of operation.	Agreed

7. REPRESENTATIONS

The application was advertised in the local press and the period for receipt of representations has expired. Three letters of objection have been received which are summarised below. The full documents are appended to this report.

Comments	Response
Traffic problems	The potential traffic effects generated from the usage of the yard can be controlled through conditions restricting the hours of operation and the scale of usage of site. If the site is controlled as Transportation suggest, the traffic impacts will be no worse than the previous use, and are considered to be acceptable.
Noise	The noise impacts generated from the proposed use of the yard will be controlled through the imposition of planning conditions. The conditions used to control the hours of operation and restrict the use of the site will ensure that the noise generated from the operation of the premises will not be adverse and not occur outside normal operating hours.
Hours of operation	The premises are currently being run as a commercial garage without regulated hours of operation. The current usage of the site and its hours of operation need to be detailed and controlled. The conditions imposed to control the site will restrict the hours of operation to 08:00 – 18:00 Monday to Friday, 09:00 – 16:00 on Saturdays, and not at all on Sundays.
Fumes	The fumes emanating from the garage on site are regulated by the council's Environmental Health service.
Unauthorised developments occurring over recent years.	These developments have been subject of enforcement action, which has resulted in the submission of this planning application that will enable the use to be regularized and controlled.

9. ASSESSMENT

9.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

9.2 In assessing the application consideration has been given to all policy issues outlined in Section 5 of this report.

Development Plan

9.3 The fundamental issues to be addressed are whether the proposed development accords with the development plan in terms of its use and that it does not negatively impact on the residential amenity of neighbouring properties. The change of use when controlled by conditions granting a one year temporary consent restricting the hours of operation and the usage of the site complies with Policy HOU9 and Policy TRAN 2 of the local plan. As previously outlined in Section 5 this is not seen to create an adverse impact on residential amenity.

Other Material Considerations

9.4 Objectors have stated that over the past number of years the applicant has operated several uses from the property all of which were unauthorised. These operations on site have been the subject of enforcement action, which has resulted in this planning application being submitted.

9.5 Objectors have stated that the levels of noise and fumes emanating from the

property create a loss of amenity. The previous, lawful, use of the site as a vehicle haulage depot would have given rise to similar issues; it is considered that the most appropriate means of dealing with this is to impose conditions on this application to restrict the hours of operation, and additionally properly regulate the use of the site.

9.6 Objectors have stated that the levels of operations are unacceptable. The proposed conditions restricting the hours of operation and restricting the usage of the site will help to alleviate these concerns. The council's Transportation service has no objection to the application providing that these conditions are imposed.

9.7 Objectors have raised a concern regarding the hours of operation on site. The hours of operation ought to be controlled to within the normal working hours of 08:00 – 18:00 Monday to Friday and 09:00 – 16:00 on Saturdays, and not at all on Sundays.

9.8 The objectors have raised other issues on site such noise coming from loud music being played, vans being parked on the public roadway, dogs barking and shouting on site. Noise emanating from the site can be addressed by appropriate conditions.

10. CONCLUSION AND RECOMMENDATION

10.1 The yard has operated as a lorry depot for a long period of time under a different ownership prior to any complaints being received by the council. The complaints received within the past two years regarding the operations and general condition of the site have been due to a change of tenancy and operations. The imposition of planning conditions to control the hours of operations on site and to control the use of the garage building will, it is considered, make the garage use acceptable. The use of the site for storing buses falls within the same use class as the site's previous use as a haulage depot and does not need consent in itself.

10.2 Accordingly, and in view of the above, it is recommended that planning permission is granted on a temporary basis for a period of 1 year, subject to conditions. This trial period will enable the site to be monitored to ensure compliance with the conditions imposed in order to safeguard residential amenity.

11. BACKGROUND REFERENCES & ATTACHMENTS

- Draft conditions
- Location Plan
- Referral Request Form
- Three letters of objection
- Consultation responses from Transportation

CHRIS NORMAN
Development Management Manager **Date**: 22 September 2010

DRAFT DECISION - APPLICATION 0454/FUL/10

1 The use of the land as a depot and workshop that is authorised by this permission shall cease on 23 September 2011 unless a further planning permission is granted.

Reason *To retain control over this form of temporary use.*

2 The building functioning as the garage as marked in the approved drawings shall only be used for repair and maintenance of passenger service vehicles stored in the depot and shall not operate as a commercial garage.

Reason *To retain control of the site in the interests of residential amenity.*

3 The following restrictions shall apply to operating hours associated with the planning application hereby approved :-

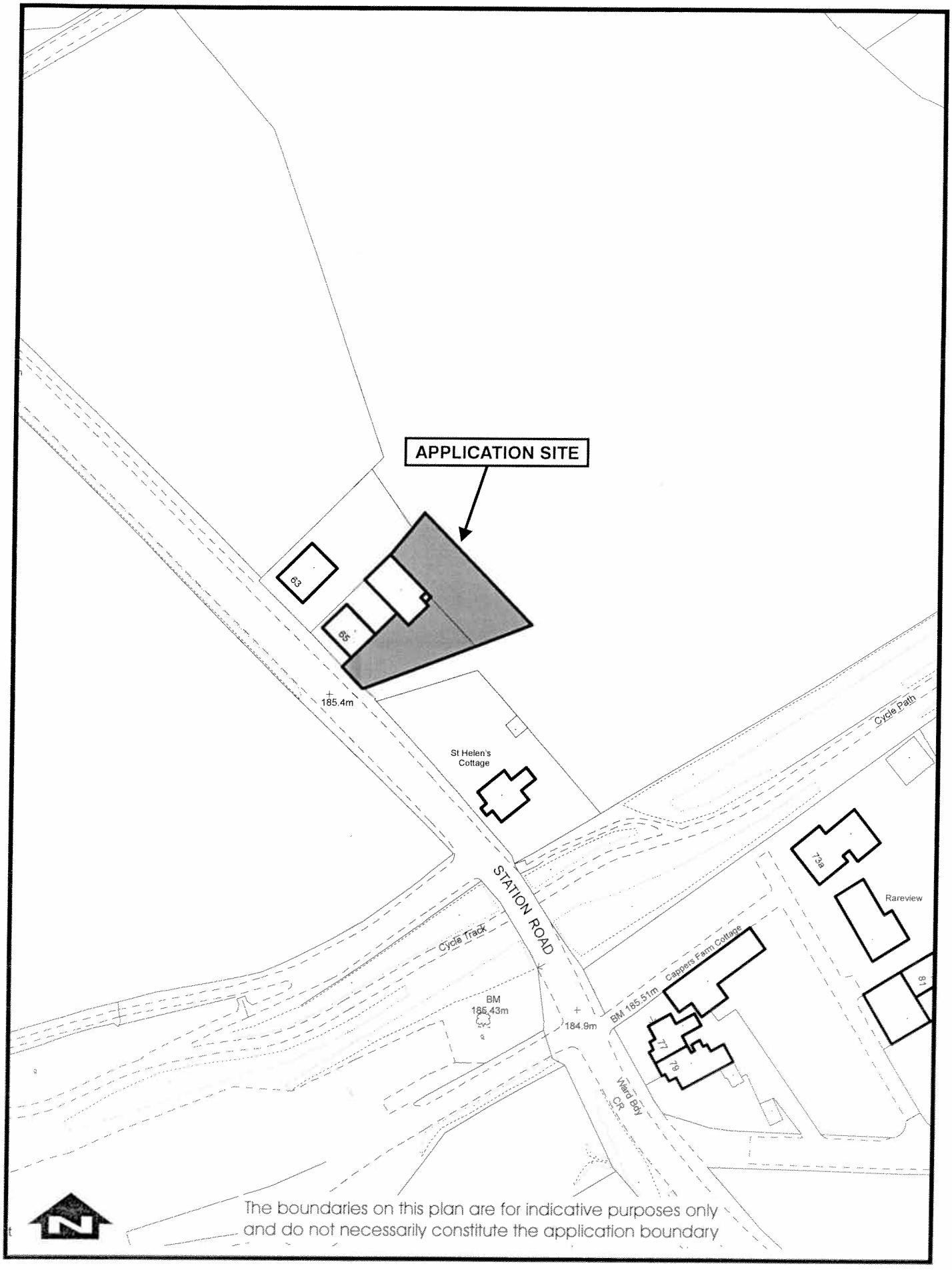
Service Vehicles

a) Passenger service vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0900 and 1600 on Saturdays. No passenger service vehicles shall arrive or leave the site on Sundays.

Hours of Operation

b) Operations shall take place between the hours of 0800 and 1800 Monday – Friday and 0900 and 1600 on Saturdays only. No work that is audible in any noise sensitive premises beyond the site boundary shall occur outwith these hours or on a Sunday.

Reason *In the interests of residential amenity*



DC COMMITTEE LOCATION PLAN

Date : 22/9/10

Application No. : 0454/FUL/10

Scale : 1 : 1250

West Lothian Council

M E M O R A N D U M

To:	**Mr C Norman** **Development Management Manager**	**From:**	**Mr J Stewart** **Team Leader :** **Development Planning**
Ref:	**0454/FUL/10 (George Flett)**	**Ext:**	**5295**
		Refer to:	**Mr Chris Nicol**
		Ext:	**5292**
		Ref:	**DP/PLA/0454/FUL/10/CN**
		Date:	**8 July 2010**

PLANNING APPLICATION NO ***0454/FUL/10***

FOR ***Use of workshop for vehicle repairs and use of yard as a depot for passenger service vehicles (in retrospect)***

AT ***67 Station Road, Armadale***

I have no objection to the application but would recommend that the following conditions be applied:-

Use of the workshop is restricted to servicing / repairing vehicles kept at 67 Station Road.

Please advise the applicant that all works within or affecting the public road including works in the footway must be authorised in advance by the roads authority. Further, any proposals which include new or extended roads will also require a Road Construction Consent prior to carrying out any works and for which application should be made to Transportation Manager.

Jim Stewart

JIM STEWART
TEAM LEADER : DEVELOPMENT PLANNING