

Submission to the Moray Local Review Body:

Proposed extension to workshop and garage at Kinloss Garage, Seapark Road, Kinloss

Ref: 15/01380/APP

Introduction

This document is a 'statement' to the Moray Local Review Body on behalf of the applicant, Mr Andrew Housby, with reference to Officer refusal of an application to extend the workshop and garage space at Kinloss Garage, Seapark Road, Kinloss.

Background

The existing Kinloss Garage ground, at the rear of Seapark Filling Station, covers 0.09ha and incorporates 260sqm of covered floorpace , with three operational bays and one outdoor bay. It has been in operation since 1970 and, owned by Mr Housby for the past 3.5 years, currently employs 8 people (6 f/t and 2 p/t).

In order to sustain the business over the next two decades, the proposal is to enclose the existing outdoor workshop area (111sqm) and also add a small office extension (43sqm) which will improve the office facilities and free up current garage space.

Following consultation through a formal Preliminary Enquiry to the Council (PE 14/00840; 25 June 2014), the proposal was submitted by local agent David Legge of Altype Plans, which included a duly-completed application form, a site and location plan, and elevations and floor plan of the proposals – see enclosed.

The proposal was submitted to the Council on 14 July 2015 (with admin fee of £802) and was validated on 27 July 2015 (following payment of an advertising fee of £107).

The proposal was processed by Planning Officer Craig Wilson who, following assessment against the Council's Development Plan policies, stated that "*I have no objection in principle*" (24 Aug 15).

However, an objection by Transportation Engineer Diane Anderson (7 Aug 15) was raised during the statutory consultee process; chiefly, on the basis of concerns over the quality of the existing access and the perceived intensification of use by the proposed development.

In response to a subsequent recommendation by the Planning Case Officer for withdrawal of the application in light of the objection, David Legge wrote to the Planning Case Officer pointing out that, "*There will be no increase in vehicular activity; the extension is to provide*

long term cover for vehicles being restored and worked on over a period of months” (24 Aug 15).

Nevertheless, the application was refused on two grounds: (i) failure to meet the Council’s parking standards; and (ii) intensification in use of access on to the B9011 road, where visibility is severely restricted, would likely give rise to conditions detrimental to safety of road users (see Decision Notice 21 Sept 2015).

Reasons for review

It is the belief of the applicant that the proposals do, in fact, comply with the Council’s parking standards. It also felt that the perceived intensification of point (ii) above is overstated.

Points to raise

- *Refusal Point (i) : Parking standards*

The Moray Council’s Parking Standards (2011, p.17) requires 3 spaces per bay for developments regarded as ‘Class 1 - vehicle servicing’. Whilst accepting that the 1:250 scale Site Plan submitted with the application (drawing ref AP 7741: 14-11-14) shows an indicative arrangement of 7 cars within the covered building and 13 cars outside, the 1:100 scale Floor Plan also submitted with the application (drg ref AP 7814:14-11-14) more accurately shows the proposed workshop extension housing 2 bays, with the existing garage altered with a new door to create 1 in-out MOT servicing bays, 2 post ramp bays, and 1 further storing bay. Treating these all as ‘vehicle servicing’ bays suggests that the parking standard requirement is 18 spaces (i.e. 6 bays x 3 spaces). As stated within the original application form - which was perhaps not seen by the Transportation Officer - there are currently 20 parking spaces on the site. Consequently, the proposal complies with the Council’s Parking Standards.

- *Refusal Point (ii) : Access issue*

The objection raised by the Transportation Engineer (7 Aug 15), which was carried through into the final Decision Notice (21 Sept 15), was that it *“...would involve the intensification of use an access onto B9011 Main Road Kinloss where visibility is severely restricted by the adjacent wall and hedges/trees/vegetation and would be likely to give rise to conditions detrimental to the road safety of road users”*. The Decision Notice also recorded that *“The applicant was given opportunity to show how visibility could be improved, but has chosen not to do so”*.

In considering the above, it is noted that the existing vehicle access is not owned by the applicant and is shared with Seapark House, an adjacent filling station and shop, and neighbouring residences. Furthermore, the ‘adjacent wall’ referred to above is part of the Listed Building curtilage of Seapark House; so to remove it to create the necessary 2.4 x 90m

visibility splay would be highly contentious, and would be detrimental to Kinloss' heritage and the quality of its western entrance. Consequently, the wall's removal has not been sought and, indeed, will not be pursued.

However, it is duly acknowledged that the existing access is far from ideal, so discussions have taken place with some of the shared users to seek improvement, e.g. advance warning signage, cutting back of vegetation, utilisation of filling station as a preferred exit route etc.

Furthermore, it is noted that the access is within the village 30mph zone and that, during the memory of those living and working nearby, there has been no serious accident on site caused by vehicles exiting during the past 30 years – probably because drivers are extra cautious.

That said, it is disputed that the proposed development will actually intensify use of this access, since the proposed 'workshop' extension is merely permanently enclosing a yard area that has been used for some time for car and van body repairs (e.g. used as a welding area by the previous owner). Also, the office extension is simply additional space and welfare facilities for an office that is already in existence, with no additional vehicular impact.

- *Other observations*

In addition to the above responses to the specific points of refusal, the following factors are also worthy of attention:

- (a) The proposals are not considered to be a departure from the Moray Development Plan.
- (b) No formal objections have been received, other than from the Transportation Section.
- (c) Since it will sustain local jobs and reduce local noise and air pollution, Findhorn and Kinloss Community Council and the neighbouring filling station have expressed their support for the proposal.
- (d) The proposals are deemed to comply with the relevant policies within the previous Development Plan (i.e. 2f, BE2, LBs, EP9) and also the new Plan (i.e. EP8, EP12, IMP1).
- (e) The proposed workshop extension is designed to house vehicles for body repairs and general restoration; hence the reason for division from the servicing garage. This particular aspect of business has been steadily developing over time, and has been undertaken beneath a temporary structure whilst the business prospects have been assessed. By enclosing the space in a permanent structure, the business operation can be formalised, and noise and chemicals (e.g. paint spray) can be better contained. Moreover, since the extension will be linked to the garage by means of an internal door, the existing large garage roller door can be closed to contain cut down noise and any potential air pollution and/or unnecessary heat loss.

- (f) Since the proposed workshop extension will house vehicles undergoing long-term restoration - usually between 3 to 6 months - the requirement for on-site customer parking is certainly not onerous. Likewise, it will not result in the perceived intensification of vehicles coming to and going from the garage site.
- (g) If the proposal is approved, there is some potential for the development to instigate the coming together of the various users of the existing access to co-operatively seek betterment to try and reduce the risk to road safety, e.g. signage, user protocol, management of vegetation, use of roadside mirrors, use of filling station exit.
- (h) Kinloss Garage is an important employer within the village, and provides an important service within the locality. This proposal seeks to diversify the enterprise into specialist repairs and, in doing so, increase the business chances of longer-term survival, as well as the prospects of implementing business plan intentions to employ 2 more staff.

Summary

Andrew Housby's application to alter and extend Kinloss Garage has been refused on the grounds of objections made to the Local Planning Authority by the Council's Transportation Section. Since the objections made may be based upon potential misunderstandings of the application and the nature and use of the proposals, it is requested that the Moray Local Review Body re-assess the application with a view to granting approval.