

***North
Lanarkshire
Council***

Planning Applications for consideration
of Planning Committee

Committee Date: 21st November 2024

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APPLICATIONS FOR PLANNING COMMITTEE

21st November 2024

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7-16	22/00325/MSC	WP Properties Scotland Ltd	Construction of 88 Dwellings with Associated Roadworks, SUDS and Landscaping (17/00518/PPP) Site North Of Bellshill Road Uddingston	Refuse
17-22	24/00951/FUL	Mr Jamie Marshall	Single Storey Shop Unit (Hot Food Takeaway) 169 Earlston Crescent Carnbroe Coatbridge ML5 4UJ	Refuse
23-28	24/00969/FUL	Adam Target Properties Ltd	Change of Use from Office (Class 2) to Cafe (Class 3) Including Replacing Modern Shopfront with a Traditional Shopfront 33 Laird Street Dunbeth Coatbridge ML5 3LW	Grant

Application No:

22/00325/MSC

Proposed Development:

Construction of 88 Dwellings with Associated Roadworks, SUDS and Landscaping (17/00518/PPP)

Site Address:Site North Of
Bellshill Road
Uddingston**Date Registered:**

12th April 2022

Applicant:WB Properties Scotland Ltd
Daldraco
3 Birniehill Road
Hareshaw
Cleland
ML1 5GX**Agent:**WB Properties Scotland Ltd
Daldraco
3 Birniehill Road
Hareshaw
Cleland
ML1 5GX**Application Level:**

Local Application

Contrary to Development Plan:

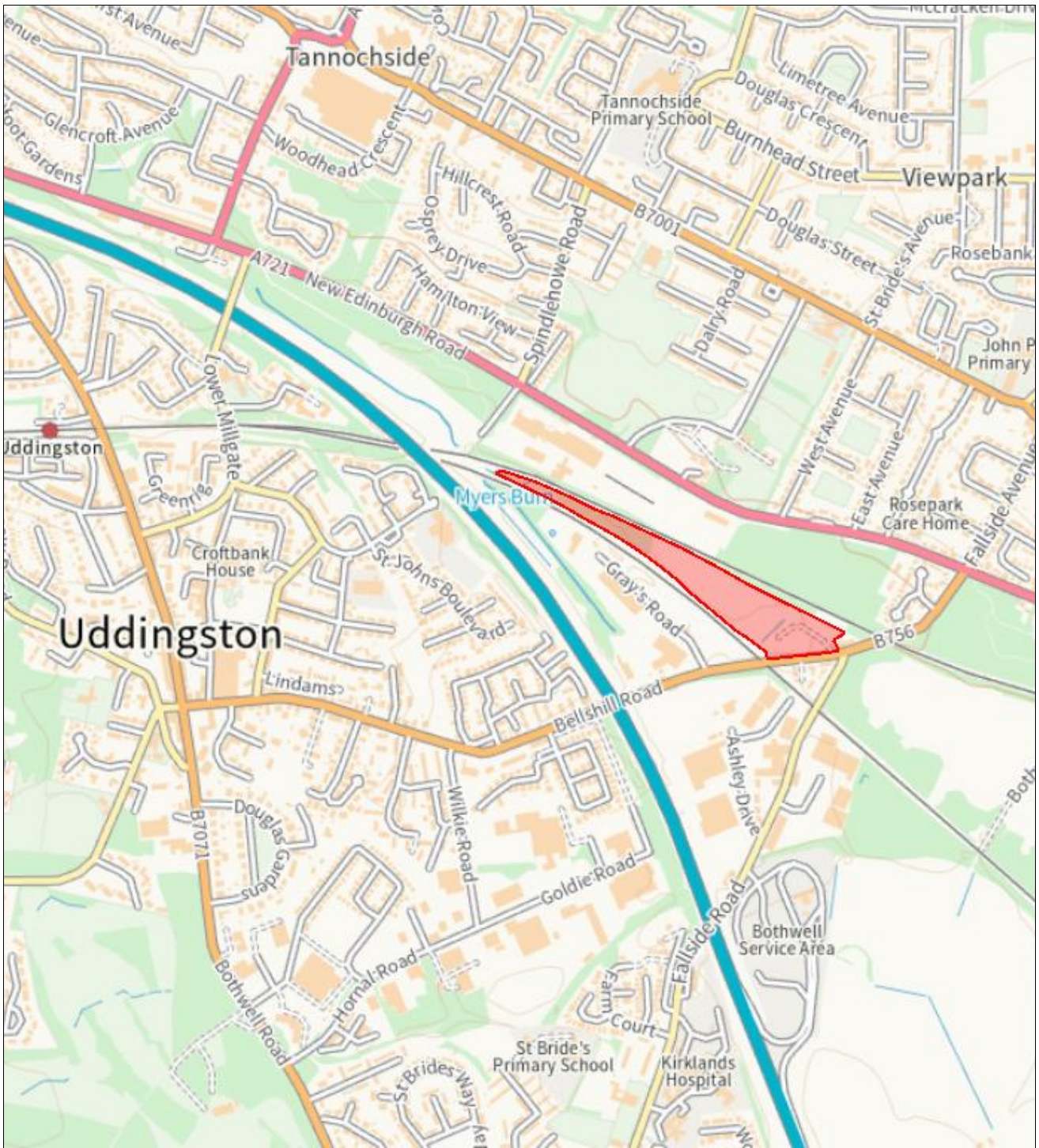
No

Ward:14 Thorniewood
Helen Loughran, Margaret Boyd, Barry
McCluskey,**Representations:**

2 letters of representation received.

Recommendation:**Refuse****Reasoned Justification:**

The applicant has failed to demonstrate they have successfully mitigated noise impacts such that the amenity of future residents will be suitable nor have they been able to show that the existing and established businesses adjacent to the site have been adequately protected.



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Planning Application: 22/00325/MSC
Name (of applicant): WB Properties Scotland Ltd
Site Address: Site North Of Bellshill Road Uddingston
Development: Construction of 88 Dwellings with Associated Roadworks, SUDS and Landscaping (17/00518/PPP)



Recommendation: Refuse for the Following Reasons:-

1. The proposed development is contrary to Policy AD3 (Amount of Development) and EDQ1 (Site Appraisal) and EDQ3 (Quality of Development) of the North Lanarkshire Local Development Plan (NLLDP) and NLLDP 'Planning and Noise' adopted Supplementary Guidance (September 2023) as it has not been demonstrated that the development, as applied for, can be developed without the strong likelihood of noise complaints arising due to work processes at adjacent commercial/industrial premises. The development as proposed is at odds with Policy EDQ3 a) b) and e) in that future residents will likely experience adverse impacts from noise to the detriment of their residential amenity and that this has not been suitably mitigated or avoided.
2. The proposed development is contrary to NLLDP 'Planning and Noise' adopted Supplementary Guidance (September 2023) as the noise rating level is above the background noise level by between +1dB and +10dB (mostly over +8dB) indicating an adverse or significant adverse impact upon future residents of the proposed development in respect of noise.
3. The proposed development is contrary Policy 14 - Design, Quality and Place of National Planning Framework 4 (NPF4) as it fails to meet two of the six qualities of successful place (Healthy and Pleasant) environment due to unacceptable noise levels experienced by the new dwellings. It also fails Policy 23 (e) - Health and Safety of NPF 4 as the 'agent of change principle' applies to noise sensitive development and it has been demonstrated that there is likely to be noise complaints from the proposed dwellings in relation to existing, established businesses. In this regard the proposal does not protect the existing business uses as required in NLLDP 'Planning and Noise' adopted Supplementary Guidance (September 2023).

Background Papers:

Consultation Responses:

Strategy & Policy Team
Traffic & Transportation
Memos from Environmental Health (including Pollution Control)
NLC Greenspace
Assistant Community Partnership Manager
South Lanarkshire Council
Scottish Water
Scottish Gas Network
Scottish Power Environmental Planning
SEPA

Contact Information: Jim Lennon at Planningenquiry@northlan.gov.uk or 01236 632487

Report Date: 5th November 2024

APPLICATION NO. 22/00325/MSC

REPORT

1. Site Description

- 1.1 The application site is located on the southern edge of Uddingston and aligns the Council boundary with South Lanarkshire. The site extends to approximately 4.6 hectares and is largely triangular in shape due to it being sandwiched between two operational railway lines converging on a north-westward course. The M74 also lies nearby to the south. The site comprises open fields mainly of scrubland with small drainage ditches being evident at the east and west edges. Semi-mature trees/bushes exist along the north and south edges whilst a concentration of woodland occupies the western half where the site narrows considerably to 10 metres at its edge. The site itself is subject of undulating topography but takes on a partial basin formation at its south-eastern side due to Bellshill Road rising to carry vehicular traffic over the southern railway line, whilst adjoining land generally within this part of Uddingston sits on a downward slope such that the land and railway to the north also sit at a significantly elevated position in excess of 6 metres and rising.
- 1.2 Beyond the railway to the north lies industrial/commercial premises to the north-west, woodland north-centrally, and the Ashley Park housing estate to the north-east. On the site's frontage off Bellshill Road lies two sandstone dwellings and an electrical sub-station, whilst opposite to the east lies a small development of 5 modern houses. Otherwise land stretching eastward from Bellshill Road to the A725 Bellshill Bypass comprises open fields with concentrations of woodland. To the south beyond the railway lies an industrial estate within South Lanarkshire boundary.

2. Proposed Development

- 2.1 Detailed consent (matter specified in conditions) is sought for residential development consisting of 88 dwellings with Associated Roadworks, SUDS and Landscaping. Access to the site is proposed off a standard junction on Bellshill Road. The mix of dwellings are as follows:- 28 no.2 bed terraced, 2 no.2 bed semi-detached, 4 no. 3 bed semi-detached, 33 no. 3 bed detached, 19 no. 4 bed detached and 2 no. 6 bed detached dwellings. The material finishes for each house type have not been stipulated, however the elevation drawings look like they will all be of traditional smooth render and brickwork/stone finish with concrete roof tiles.
- 2.2 The proposed development will be accessed off Bellshill Road leading thereon to a typical residential street based on the principles of 'Designing Street' layout. NLC Roads and Transportation are satisfied with the access, site layout, parking throughout the site and driveway positions.

3. Applicant's Supporting Information

- 3.1 The applicant has submitted additional supporting information including an Updated Ecology Report, various Noise Impact Assessments, Transport Assessment, Street Engineering Review, Site Investigation, Geotechnical, Environmental and Mining Report and a Flood Risk Assessment. Several of these reports have either been updated or additional information been submitted following requests from consultees i.e. NLC Roads and Transportation, Pollution Control and NLC Greenspace.

4. Site History

- 4.1 The most relevant planning history on this site in date order was the provision of the Proposal of Application Notice (17/00010/PAN), and Request for EIA Screening Opinion (17/00155/EIASCOR) the latter of which determined that an environmental impact assessment would not be required for the proposals. Planning Permission in Principle was granted on 4th March 2020 for Residential Development with a planning reference number 17/00518/PPP.

5. Development Plan

- 5.1 The proposals require to be assessed under the terms of the North Lanarkshire Local Development Plan (NLLDP) 2022 and, in particular, under the terms of:

POLICY Prom LOC1 identified Regeneration Priority
PP 3 POLICY Purpose of Place
AD 3 POLICY Amount of Development
EDQ1 Site Appraisal
EDQ3 Quality of Development

- 5.2 In terms of National Planning Framework 4 (NPF4), there are number of policies that affect the proposal, with the most notable ones being Policy 1 - Tackling the Climate and Nature Crises, Policy 2 - Climate Mitigation and Adaptation, Policy 3 - Biodiversity, Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings, Policy 12 - Zero Waste, Policy 14 - Design, Quality and Place, Policy 16 - Quality Homes and Policy 23 - Health and Safety.
- 5.3 This application can therefore be assessed against the policy provisions of the North Lanarkshire Local Development Plan and the relevant policies with NPF4.

6. Consultations

- 6.1 NLC Roads and Transportation are satisfied with the proposal as are Scottish Water, SP Energy Networks, SEPA, Community Partnership Manager (Play) and NLC Greenspace all subject to conditions.
- 6.2 NLC Pollution Control (PC) had severe reservations in relation to Noise levels experienced at the site during the processing of the previous Planning Permission in Principle (PPP) application and recommended Refusal of that application. The application was ultimately approved by the Council with a suspensive condition attached to the approval requesting that a Noise Report be provided as that issue had not been adequately addressed during the PPP application. The applicant has not demonstrated through the current application that the site is suitable as a housing site, despite several additional Reports being submitted as part of the process in response to requests for the additional information from the Councils Pollution Control Service. Further details in this regard may be found in the Planning Assessment below. It is also worth noting that there has been a huge amount of time and effort out into addressing the noise issues at the site where the Council's Pollution Control team have worked tirelessly in trying to assess the noise levels at the site and likely future scenarios. Due to insufficient information in terms of background noise levels, they (NLC Pollution Control) conducted their own background noise assessment as discussed in paragraph 8.17 below.

7. Representations

- 7.1 Following advertisement in local newspaper and neighbour notification, 2 objections have been received through the processing of the application from an adjacent business. In summary they are objecting to the proposed dwellinghouses on the basis that, if approved, it will lead to objections from new homeowners in relation to noise from their industrial use. The proposed use is not compatible with the existing business use. This may in turn lead to their business activities being affected if they are to alter their established work practices.

Comment on Representation

Due to the findings of the Council's recently completed Background Noise Measurements Report (September 2024) it is considered that, if approved, 'the noise impact upon the proposed development from the nearby commercial/industrial premises is likely to be of an adverse or significantly adverse nature'. For this reason, the report recommends refusal of this proposed development.

8. Planning Assessment

- 8.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications shall be determined in accordance with the development plan, unless other material considerations indicate otherwise. The Development Plan consists of the National Planning Framework 4 (NPF4) and the North Lanarkshire Local Development Plan 2022 (LDP).
- 8.2 The proposals require to be assessed under the terms of the North Lanarkshire Local Development Plan (NLLDP) 2022 and, in particular under the terms of:

POLICY Prom LOC1 identified Regeneration Priority
PP 3 POLICY Purpose of Place
AD 3 POLICY Amount of Development
EDQ1 Site Appraisal
EDQ3 Quality of Development

- 8.3 In terms of the Regeneration policy Prom LOC1, residential development on the site is identified as an acceptable use and the site benefits from Planning Permission in Principle for Residential development (ref.no. 17/00518/PPP). The proposal is also consistent with Policy PP3 (Purpose of Place) due to the aforementioned approval in principle. In terms of AD3 (Amount of Development), it is considered that the site may be capable of being developed to accord with the general principles of this policy if the layout was altered to ensure that dwellings were not impacted on by noise from adjacent industrial premises. This would however, require a significant reduction in numbers and further noise survey work to establish exactly where the dwellings could be constructed and what type of mitigation was required. No layout with a significant reduction in numbers has been submitted to date. In its' proposed form, the development is contrary to this policy due to noise issues from adjacent industrial premises which are discussed below.
- 8.4 Policy EDQ 1 (Site Appraisal) seeks to maintain and improve the level of the amenity in urban areas, by encouraging development that is in keeping with residential character. It is considered that the development is at odds with this policy as, although PPP was approved, contrary to Officer recommendation, one of the conditions (Condition 2) was that the applicant had to provide a 'further Noise Impact Assessment (NIA) which details mitigation measures to address road, rail and commercial/industrial and commercial sound'. Condition 1(k) also requested details of necessary noise mitigation measures. The NIA was submitted along with additional noise information that was requested by the Council as part of the MSC submission. The Council compiled their own Background Noise Report in June 2024 (amended September 2024) and this concluded that the noise impact upon the proposed development from the nearby commercial/industrial premises is likely to be of an adverse nature, therefore refusal of the application has been recommended. The proposal is therefore considered to be at odds with Policy EDQ 1.
- 8.5 Policy EDQ 3 (Quality of Development) sets out that development will only be permitted where high standards of site planning and sustainable design are achieved. Part (e) of this policy states, in relation to noise, that 'in certain circumstances, mitigation may not always be possible and avoidance may be required'. It is considered that, in this particular case, it is not possible to mitigate the site from commercial/industrial noise. As stated earlier, the layout would require to be significantly reduced in numbers and revised NIA carried out to prove that the proposed dwellings would not be affected by existing noise sources. The application is considered to be at odds with Policy EDQ 3.
- 8.6 In terms of National Planning Framework 4 (NPF4), there are number of policies that affect the proposal, with the most notable ones being Policy 1 - Tackling the Climate and Nature Crises, Policy 2 - Climate Mitigation and Adaptation, Policy 3 - Biodiversity, Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings, Policy 12 - Zero Waste, Policy 14 - Design, Quality and Place, Policy 16 - Quality Homes and Policy 23 - Health and Safety.
- 8.7 In regards, to Policies 1, 2, 3 and 12 it is considered that the general principles of these policies could well be met if the application was progressed to a level that the Council supported and was to approve, however, as it is to be refused, compliance with these policies have not been progressed.
- 8.8 Policy 9 supports development that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings. The proposal is considered to comply with this policy as the land is located within the 'Regeneration' area as defined in the adopted Local Development Plan and is not at present being used and benefits from a planning approval. The proposal is considered to broadly comply with the aims and objectives of this policy.
- 8.9 Policy 14 states that development proposals should be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Proposals will be supported if the development is consistent with the six qualities of successful places as set out in Appendix D of NPF4, namely:- Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. It is considered that

the proposal is at odds with this policy as the projected noise issues associated with the adjacent commercial/industrial businesses will have a detrimental impact on homeowners health and wellbeing due to unacceptable noise levels experienced by the new dwellings. In turn this will lead to an unpleasant environment. It is considered that two out of the six qualities of successful places cannot be met.

- 8.10 Policy 16 supports developments for new homes on land allocated for housing in the Local Development Plan (LDP). Whilst the site is not an allocated housing site within the LDP it is allocated as a Regeneration site where residential development is identified as being potentially appropriate subject to assessment against other LDP policies. The application site is located within the general urban area and has the benefit of permission in principle. Whilst the development may be at odds with Policy 16 f) which details the circumstances where housing on land not allocated for housing may be supported, the site has the benefit of planning permission in principle.
- 8.11 Policy 23 supports development proposals that will have a positive effect on health. Part (e) states that 'The agent of change principle applies to noise sensitive development'. In this instance it is considered that, if the application site is developed for housing, it will lead to noise complaints to the Council due to noise emanating from existing, established, adjacent noise generating industries. This will have an impact on the established business uses as residential properties have been introduced into an area to the detriment of the established commercial/industrial operators. The proposal is at odds with this policy.
- 8.12 NLLDP 'Planning and Noise' adopted Supplementary Guidance (September 2023) is a material consideration in the determination of this application it is a recent document (adopted after the PPP was granted) and specifically looks at, amongst other noise issues, Industrial and Commercial Noise Sources. The Environmental Protection Act, 1990, places a duty on Local Authorities to investigate noise complaints from, among others, industrial and commercial sources. Where statutory nuisance conditions exist, a Local Authority must serve Notice requiring the business to take action to reduce noise levels. This requirement may result in a company having to reduce their operations or in extreme cases close their business. Therefore, in considering a noise sensitive development (residential) close to industrial/commercial sources there is an obligation on the planning authority to protect existing commerce and industry from complaints from residents of new housing development. The advice given NLC Supplementary Guidance in page 8, section 5.3.3 is that noise is likely to be a consideration where the noise rating level is above the background noise level by up to 5dB and, also where the noise rating is 5 dB or more above the background noise level, this is an indication that the development is unlikely to be acceptable from a noise perspective. It states that further mitigation will be necessary to reduce the LAr (T)-LA90, to as close to 0 as reasonably practicable. The noise rating levels recorded in the NLC Pollution Control Report measured between +1dB and +10dB (mostly over +8dB) at the locations measured.
- 8.13 Pollution Control were consulted on the current planning application as they were for the Planning Permission in Principle (PPP) application. In regard to the PPP application, after numerous Noise Reports (4x) and responses to their concerns, they still remained concerned over the suitability of the site for residential purposes. In paragraph 6.7 within the Committee Report presented at Planning Committee, it states... 'In addition, the four reports provided information of on-site noise levels measured between 5.34 am to 11 pm at different locations. This breadth of information gave an overview of the general noise levels at the development site. With the exception of one location, all areas measured were consistently above the World Health Organisation's recommended limit of LAEQ of 50 dB(A), in some cases were 20dB(A) above. The concerns over general noise levels at this site were raised in meetings with the developer and conveyed in an email dated 7th December 2017, but again to date, no response, nor means for mitigation were included in the NIAs on this particular matter. In light of this, Pollution Control remained concerned as to the suitability of this location for residential development in respect of the general noise environment.'
- 8.14 The application was recommended for Refusal on Committee Agenda with a reason for refusal specifically mentioning that general noise levels experienced within the site were unacceptable and that it had not been demonstrated that it could be mitigated against in a satisfactory way. The Committee overturned officer recommendation and recommended approval. The application was approved subject to conditions, one of which was that a further Noise Impact Assessment should be submitted as part of any MSC application as it had not been demonstrated that the site can be

developed in such a way that it would not be affected by noise from external sources, including industrial/commercial noise.

- 8.15 The current application was submitted along with the previously submitted NIA. Pollution Control (PC) responded to this report on 11/5/22 requesting further information including proposed mitigation for the external noise sources (commercial/industrial premises). A further response from PC was received on 10/6/22 requesting an updated, consolidated NIA for the site should be submitted as information had been presented in a piecemeal way. Basically, a Report was requested that amalgamated the previous reports. It should be noted that there were numerous email exchanges between the agent and Planning Case Officer on the Noise issue as this time. The content of the emails centred on the agents' opinion that they had done everything asked of them in relation to noise mitigation and he could not understand why the Council was still questioning the development's acceptability in relation to noise issues.
- 8.16 An updated NIA was submitted (Sharps Redmore Report) on 30/5/23 and was responded to by PC on 5/9/23 which requested further information including information on the FP McCann site to the north as it appeared that this site had not been previously monitored. There was further email dialogue between the agent and the Case Officer in relation to noise at this time. A further NIA was submitted by Sharps Redmore on 24/11/23 and was responded to by PC on 7/12/23 concluding that 'a comprehensive NIA in terms of BS4142:2014+A1:2019 is required in respect of the nearby industrial premises'. Further information and clarification of certain points was requested in respect of the provided noise report. NLC Pollution Control had direct dialogue with Sharps Redmore thereafter to explain exactly what was required January 2024. A further report was submitted by Sharps Redmore on 14/2/24 and was responded to on 7/3/24. The response concluded by stating that the Council, i.e. NLC Pollution Control would carry out 'manned' noise surveys at locations utilised for the submitted assessment to establish background noise levels as calculated in the manner required for a BS41412 assessment. This will enable the submitted assessment to be validated and suitably updated with the outcome likely to be confirmed as 'adverse / significantly adverse' impact at the proposed development site'. The agent was advised that the Council would carry out its' own additional 'manned' noise monitoring and that the applicant could be present at these surveys which would take place over a number of days and times (email dated 12/3/24). It was also weather dependant. PC confirmed that this additional survey work was necessary as once the monitoring had taken place, the remaining unanswered questions regarding the noise assessment would be addressed and they would be in a position to advise on a recommendation for the application.
- 8.17 The Background Noise Report was concluded and submitted as a consultation by NLC Pollution Control on 17/6/24 and sent to the applicant on 21/6/24. A summary of the report has been provided by the Pollution Control Case officer in an email and given the importance of this particular issue key sections of his email are copied below:-

Background

Noise is likely to be an important consideration where noise sensitive developments are planned near to existing noise sources, or where potentially noisy developments are introduced into existing noise sensitive areas. This proposed development falls into the first category.

The 'agent of change principal' requires particular attention in respect of this application. This principal now exists in case law in Scotland and protects existing sites/premises which create noise. In this instance, it requires the Local Authority to take particular account of whether the proposed development includes sufficient measures to adequately address the noise impact upon the future residents from the existing sites/premises. The onus is on the developer to address any such noise issues not the existing businesses.

In addition to the above, the Environmental Protection Act, 1990, places a duty on Local Authorities to investigate noise complaints from, among others, industrial and commercial sources. Where statutory nuisance conditions exist, a Local Authority must serve Notice requiring the business to take action to reduce noise levels. It is therefore imperative that the Local Authority does not approve developments where the end users will be exposed to noise levels likely to be a statutory nuisance. In turn, the Local Authority has a significant liability in fully assessing, in this instance, that the noise from the activities carried out as part of the existing businesses working practices would not be considered a statutory

nuisance at the proposed development site.

Reason for Pollution Control Report

In support of Planning Application 22/00325/MSC a noise impact assessment submitted in the form of a Technical Note titled 'Response to comments from Regulatory Services and Waste Solutions - Noise' was provided by the Acoustic Consultants, Sharps and Redmore (S&R). This comprised of a BS4142:2014 assessment of the predicted noise impact on the proposed development site from the surrounding commercial/industrial premises. This modelling incorporates the already proposed mitigation measures (an acoustic barrier).

A key component of such assessment is the measured background noise level as it is the level against which the commercial/industrial noise is considered. If it is not accurate then it will significantly impact the findings of the assessment. The background levels utilised in the assessment carried out by S&R did not concur with previous levels noted by this department. It was therefore considered necessary for Pollution Control (PC) to carry out its own noise surveys to establish the background noise levels on site. It was then possible to consider these background noise levels in respect of the assessment provided by S&R

Results of Noise Survey

The measurements carried out by PC established the background noise level for the daytime period to be 50dB at the primary measurement location, this being 12dB less than the measured background noise level in the S&R assessment at this location. The measured background noise level at this location for 6-7am was 58dB, this being 4dB less than in the S&R assessment. In turn, the noise surveys carried out by PC provided for background noise levels significantly lower than those utilised in the submitted S&R assessment. It is most likely that the reason for the background noise levels utilised in the S&R assessment being considerably more elevated than those levels established by PC would be due to a combination of weather conditions and noise from the nearby commercial/industrial business impacting upon their noise surveys. As highlighted in the table 2 of the NLC Report, once the background noise levels measured by PC are incorporated into the provided BS4142:2014 assessment then at all locations suitable for consideration, an adverse or significant adverse impact is predicted with the exception of Garden 2. The noise rating levels recorded measured between +1dB and +10dB (mostly over +8dB) at the locations measured. It is also considered likely that, were an attended night-time noise survey to be carried out, an adverse impact would also be predicted at the majority of assessment locations for this time period.

Comment and Conclusion of Report

It was concluded in the Report that where an adverse or significant adverse is predicted (as in this instance), it is considered that, most likely, end users at the proposed development site would be exposed to noise levels from existing business premises that would likely constitute a statutory nuisance.

In turn, were this proposed development to proceed and the Local Authority to then receive complaints from end users, it is likely the required investigation would then identify a statutory nuisance. In such a situation, as detailed earlier, the Local Authority must then serve Notice requiring the author of the nuisance (the nearby business) to take action to reduce noise levels. Such Notices are, most likely, to include requirements such as certain noise making activities to be prohibited or restriction on hours of operation. Such a Notice would, in turn, be likely to have a notable impact on the business operations.

In this situation if North Lanarkshire Council (NLC) were to approve this application it will have most likely failed to protect the existing businesses as required in respect of the 'agent of change' principal. In turn, if the application is approved and NLC were then to serve notice on the already existing business(s) post development, it would be anticipated there may be significant consequences for NLC as any notice is likely to require the business(s) to take action(s) that will have financial implications for the business(s). Given the circumstances NLC would then likely be in a position where they would be required to financial compensate the business(s).

It is therefore concluded that the noise impact upon the proposed development from the nearby commercial/industrial premises is likely to be of either an adverse or significantly adverse nature. Therefore, giving due consideration to the findings of the updated assessment and the responsibilities (as highlighted above) placed upon the Local Authority, Pollution Control recommend refusal of this proposed development.

8.18 Any Other Material Considerations

On 27th March 2024 the applicants submitted a petition for a Judicial Review of our decision on 7th March 2024 to require further noise investigations to be carried out as a purported condition of granting planning permission for the construction of 88 Dwellings with Associated Roadworks, SUDS and Landscaping at the site North of Bellshill Road Uddingston North Lanarkshire, under reference 22/00325/MS. The applicant argues in their submission that no further noise investigations were required. On submission the petition was sisted (put on hold) at the applicant's request. A further extension to the 'sisting' has been approved to enable a decision to be made at the relevant Committee. Despite the fact that the petition was sisted further work on the issue of noise has been undertaken by both the applicants and the Council.

9. Conclusions

- 9.1 Due to the likely situation where, if approved, there will be complaints made to the Local Authority in relation to noise emanating from adjacent commercial / industrial premises impacting on the 'new dwellinghouses' and the Council then being in a position to take action against said noise source premises, there may be significant financial consequences to the Council, as the affected business(s) would likely be in a position where they would seek financial compensation, should their operational activities be altered as a result of any complaint. Paragraph 8.17 above (Background Noise Report produced by NLC)) and in particular, the sub-heading Comment and Conclusions of Report states that where an adverse or significant adverse is predicted (as in this instance), it is considered that, most likely, end users at the proposed development site would be exposed to noise levels from existing business premises that would likely constitute a statutory nuisance.
- 9.2 If approved the Local Authority is likely to receive complaints from end users, it is also likely that the required investigation would then identify a statutory nuisance. In such a situation, as detailed earlier, the Local Authority must then serve Notice requiring the author of the nuisance (the nearby business) to take action to reduce noise levels. Such Notices are, most likely, to include requirements such as certain noise making activities to be prohibited or restriction on hours of operation. Such a Notice would, in turn, be likely to have a notable impact on the business operations.
- 9.3 If North Lanarkshire Council (NLC) were to approve this application, it will have most likely failed to protect the existing businesses as required in respect of the 'agent of change' principal. If NLC were then to serve notice on the already existing business(s) post development, it would be anticipated there may be significant consequences for NLC as any notice is likely to require the business(s) to take action(s) that will have financial implications for the business(s). Given the circumstances, NLC would then likely be in a position where they would be required to financial compensate the business(s).
- 9.4 For the reasons stated, it is recommended that planning permission is refused as the applicant has failed to demonstrate they have successfully mitigated noise impacts such that the amenity of future residents will be suitable nor have they been able to show that the existing and established businesses adjacent to the site have been adequately protected.
- 9.5 The committee should be aware that applicants have requested a hearing for the application, however based on the committee's own Hearing protocol, the application does not meet the criteria for a hearing request.

Application No:

24/00951/FUL

Proposed Development:

Single Storey Shop Unit (Hot Food Takeaway)

Site Address:169 Earlston Crescent
Carnbroe
Coatbridge
ML5 4UJ**Date Registered:**

24th September 2024

Applicant:Mr Jamie Marshall
134 Carfin Road
Motherwell
ML1 5JX**Agent:**

N/A

Application Level:

Local Application

Contrary to Development Plan:

No

Ward:11 Coatbridge South
Tracy Carragher, Geraldine Woods, Fergus
MacGregor, Andrew Bustard,**Representations:**

6 letter(s) of representation received.

Recommendation:**Refuse****Reasoned Justification:**

The proposed development is considered to be unacceptable in terms of the North Lanarkshire Local Development Plan in that it would lead to additional disturbance and activity in a primarily residential area to the detriment of road safety and the residential amenity of the area.



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Planning Application: 24/00951/FUL
Name (of applicant): Mr Jamie Marshall
Site Address: 169 Earlston Crescent
Carnbroe
Coatbridge
ML5 4UJ
Development: Single Storey Shop Unit
(Hot Food Takeaway)



Recommendation: Refuse for the Following Reasons:-

1. The proposal does not comply with Policy PP3 (Purpose of Place) and Policies EDQ1 and 3 of the North Lanarkshire Local Development Plan (2022) as the proposed hot food takeaway would not integrate successfully to the local area and would have a detrimental impact on road safety and parking. In addition, increased vehicular movements and activity associated with the proposed use would cause general disturbance such that the amenity of the surrounding residential area would be adversely impacted.
2. The proposed parking is unsuitable from a road safety perspective and is an any event remote from the entrance to the proposed unit such that it would be unlikely to be used by customers. This would lead to increased parking and activity to the front of the existing shop where parking is limited and which in turn will lead to increase in noise, disturbance and activity which will have a negative impact on the residential amenity of the area.
3. The proposal leaves minimal residual garden ground for the adjacent flatted dwelling to the detriment of residential amenity.
4. The development if accepted, would set a precedent for other similar development.

Background Papers:

Consultation Responses:

Food Safety / Business Regulations received 7 October 2024

Traffic & Transportation received 23 October 2024

Environmental Health (including Pollution Control) 24 September 2024

Contact Information:

Khadijah Ahmed at Planningenquiry@northlan.gov.uk or 01236 632487

Report Date:

24th October 2024

APPLICATION NO. 24/00951/FUL

REPORT

1. Site Description

- 1.1 The application site is situated on Earlston Crescent, Carnbroe, Coatbridge. The site is located at a corner intersect with Sweethill Terrace and is directly adjacent to a single storey shop unit. The surrounding land use is entirely residential with occasional open space to provide for communal amenity. There are residential properties in close proximity to the proposed takeaway. The proposal site is adjacent to an existing flat with a shop unit below.

2. Proposed Development

- 2.1 The application seeks full planning permission for a single storey shop unit to accommodate a hot food takeaway. The single storey shop unit is a lean-to side extension. The unit will extend from the side elevation of the existing shop unit by approximately 6m and will measure 13.6m in length. The height of the proposed unit will measure approximately 2.5m from the eaves and 3.9m from the ridge. The access to the unit will be from Earlston Crescent. The existing shop unit is served by 3 parking bays outside the shop entrance. The applicant proposes the formation of 3 new spaces to serve the development which would be accessed from Carnbroe Road/Sweethill Terrace and which are located a significant distance away from the entrance to the proposed takeaway and in close proximity to the bus terminus.

3. Applicant's Supporting Information

- 3.1 The applicant has not provided any additional supporting information.

4. Site History

- 4.1 98/00904/FUL Erection of Two Storey Rear Extension to House and Shop Unit – PER (Application Permitted).
- 4.2 There have been two further applications for an extension to the shop. Both applications were recommended for refusal.
- 08/01763/FUL Construction of Class I Retail Unit – REF (Application Refused)
 - 09/00912/FUL Extension to Shop Unit – REF (Application Refused)

5. Development Plan

- 5.1 Sections 25(1) (a) and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that this application be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The application site is in an area designated General Urban Area, Placemaking Policy 3 (Purpose of Place) in the North Lanarkshire Local Development Plan (2022). Environmental Design Quality (EDQ) Policies apply to all developments.

6. Consultations

- 6.1 NLC Food Safety were consulted on 3 October 2024. A response was received on 7 October 2024 advising no objections subject to recommendations.
- 6.2 NLC Pollution Control were consulted on 24 September 2024. A response was received on 23 October 2024 advising no objections subject to recommendations. NLC Pollution Control advised further details of ventilation and extraction to be submitted for approval due to the nature of the development (cooking odour and fumes) and close proximity to residential dwellings.
- 6.3 NLC Traffic & Transportation were consulted on 24 October 2024. A final response was received on 23 October 2024 recommending the application for refusal on road safety grounds. NLC Traffic &

Transportation state due to the nature of the development and turnover of customers, parking bays accessed directly from Carnbroe Road/Sweethill Terrace could lead to conflict and be detrimental to road safety. The fact that the proposed parking bays would be accessed from a strategic road corridor next to the bus terminus was also flagged as a road safety issue.

7. Representations

- 7.1 Standard Neighbour Notification letters were issued on the 24 September 2024 and 6 letters of representation were received. All 6 representations were letters of objection.

Objections points which are planning considerations summarised below:

- Traffic congestion at an existing busy road/junction
- Increase in on street parking / vehicles parking on pavement
- Road safety for pedestrians
- Noise and disturbance (including increase in litter and waste)
- Impact on Residential Character.

- 7.2 Anti-social behaviour was raised as an objection point however this is not a planning consideration and therefore not relevant to the application.

8. Planning Assessment

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The application raises no strategic issues and can be assessed against the local development plan.

- 8.2 The application site is in an area designated General Urban Area, Placemaking Policy 3 (Purpose of Place) in the North Lanarkshire Local Development Plan (2022). This policy seeks to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with their residential character and encouraging diversity in more mixed-use areas. Placemaking Policy (General Urban Area) requires such proposals to be assessed against the criteria of Environmental Development Qualities (EDQ) 1-3, where EDQ1 is the most relevant to the application.

- 8.3 The NLC Traffic & Transportation assessment considers that the proposed hot food takeaway development would have a detrimental impact on vehicular and pedestrian safety brought about by increased pick up and delivery activity and a lack of parking adjacent to a busy road and, as such, would justify a refusal of this proposal. Similar grounds have been used to justify previous refused applications for a shop unit at this site. Environmental factors including increase in cooking odours, noise and disturbance similarly warrant grounds for refusal. In addition to this the nature of development goes against the existing use of the area, therefore the development goes against Placemaking Policy 3, General Urban Area as it is not in keeping with the residential character of the area.

- 8.4 The matters raised in the letters of objections are addressed in turn below:

8.5 Traffic and Road Safety Matters

Response: After consultation with NLC Traffic & Transportation it has been determined that the proposal has the potential to be detrimental to road safety and could lead to vehicular and pedestrian conflict. The frontage access from Carnbroe Road and the nature of the development, including the turnover of customers, would have a negative impact on the surrounding area. The parking could potentially generate a higher level of manoeuvres at a strategic corridor adjacent to a bus terminus which could lead to concerns regarding road safety and traffic which is grounds for refusal. The proposed new parking bays are remote from the entrance to the takeaway such that they would be unlikely to be used and in any event are considered to be inappropriate from a road safety perspective. It is considered that customers using the takeaway would be likely to park as close as possible to the entrance to the proposed takeaway (where parking is limited) and if no spaces are available it would lead to inappropriate and unsafe parking close to the junction

8.6 Environmental Factors (noise, disturbance and litter)

NLC Pollution Control offered no objections to the proposal subject to conditions. Issues such as cooking fumes and litter could be acceptably addressed through the imposition of planning conditions. However, it is agreed that the increased activity and disturbance typically associated with hot food uses is likely to have an unacceptable impact on the residential amenity of this area.

8.7 Impact on Residential Character and Amenity

The nature of the development does not fit within the wider context of the site as a residential area. The additional activity would cause general noise and disturbance to the detriment of residential amenity and road safety. The development would leave inadequate garden ground to the existing flatted dwelling above the shop unit which would be classified as an over development. If the application was to be accepted this could set a precedent for similar developments in the area which would harm the existing residential amenity. It is considered the impact of these issues on residential character warrant a refusal of this application in this instance.

9. Conclusions

- 9.1 It is considered that the proposed development is contrary to Policy PP3 (Purpose of Place) and Policies EDQ 1 & 3 and as such is considered unacceptable and likely to result in a detrimental impact on surrounding residential amenity and road safety sufficient to warrant refusal of the application in this instance.
- 9.2 It is considered that the proposed development will not integrate successfully into the local area or avoid harm in relation to road safety, environmental factors and impact on residential character. Accordingly, it is recommended that planning permission be refused for the reasons noted above.

Application No:

24/00969/FUL

Proposed Development:

Change of Use from Office (Class 2) to Cafe (Class 3) Including Replacing Modern Shopfront with a Traditional Shopfront

Site Address:33 Laird Street
Dunbeth
Coatbridge
ML5 3LW**Date Registered:**

20th September 2024

Applicant:Adam Target Properties Ltd
33 Laird Street
Dunbeth
Coatbridge
ML5 3LW**Agent:**Peter Drummond Architects
60 Bank Street
Kilmarnock
KA1 1ER**Application Level:**

Local Application

Contrary to Development Plan:

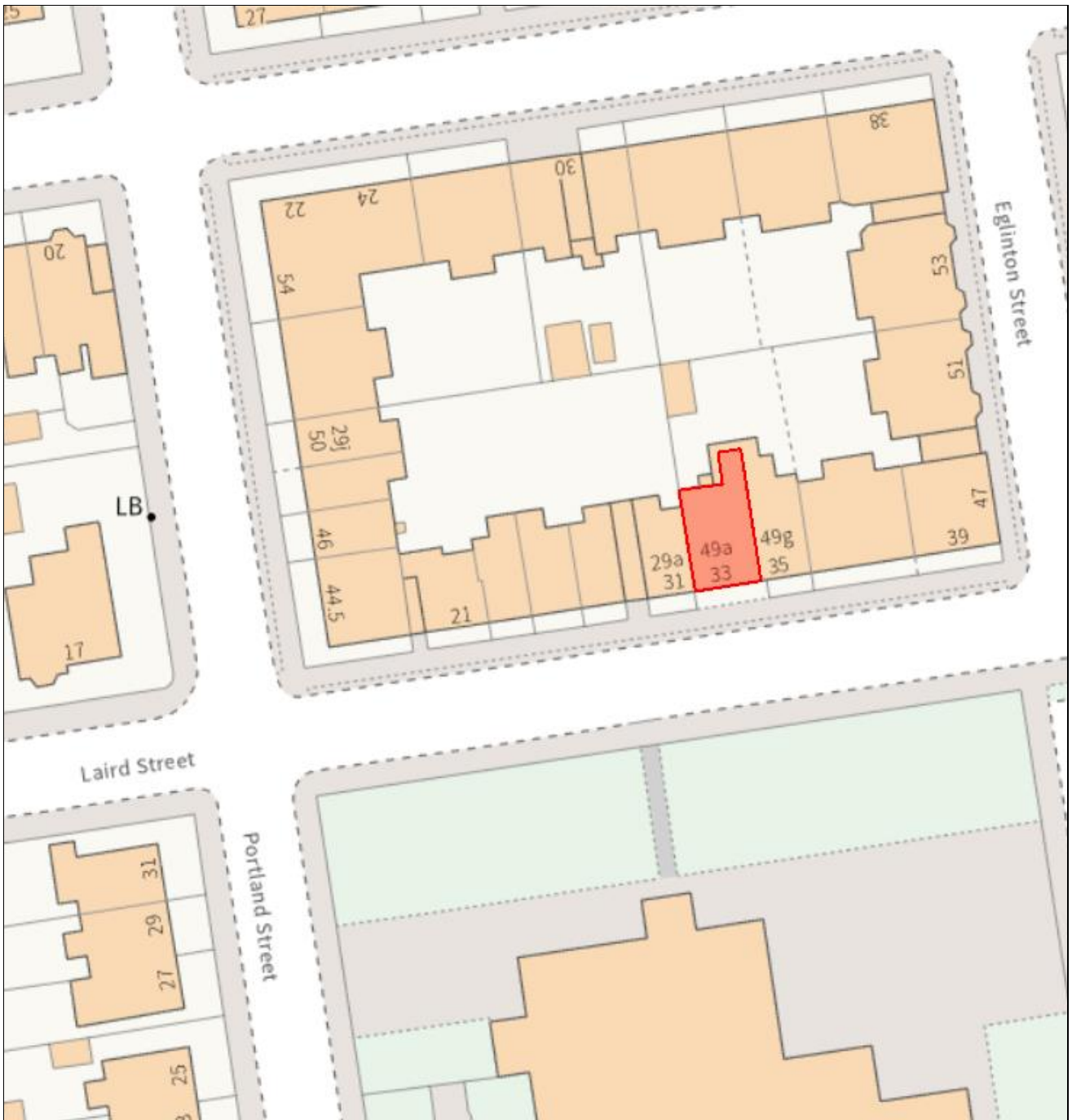
No

Ward:07 Coatbridge North
Kirsten Larson,Alexander McVey,Bill
Shields,Allan Stubbs,**Representations:**

9 letter(s) of representation received.

Recommendation:**Approve Subject to Conditions**

Reasoned Justification: The proposed change of use is acceptable as it could be accommodated within the site without having a negative impact on General Urban Area and Conservation Area. As such, the proposal accords with the policy provisions of the North Lanarkshire Local Development Plan 2022.



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Planning Application: 24/00969/FUL
Name (of applicant): Adam Target Properties Ltd
Site Address: 33 Laird Street
Dunbeth
Coatbridge
ML5 3LW
Development: Change of Use from Office (Class 2) to Cafe (Class 3) Including Replacing Modern Shopfront with a Traditional Shopfront



Proposed Conditions:-

1. That the development hereby permitted shall be carried out strictly in accordance with the approved details submitted as part of the application and no change to those details shall be made without prior written approval of the Planning Authority.

Reason: To clarify the documents on which this approval of permission is founded.

2. That before the start of the development hereby permitted details of any extraction flue or mechanical extraction equipment to be installed at the site shall be submitted and approved in writing by the Planning Authority, prior to said equipment being installed. For the avoidance of doubt, any flue installed should be at least 1 metre above the eaves of the building.

Reason: These details have not been submitted nor approved.

Background Papers:**Consultation Responses:**

Food Safety / Business Regulations received 7 October 2024.
Environmental Health (including Pollution Control) received 18 October 2024.
Traffic & Transportation received 4 November 2024.

Contact Information:

Khadijah Ahmed at Planningenquiry@northlan.gov.uk or 01236 632487

Report Date:

5th November 2024

APPLICATION NO. 24/00969/FUL

REPORT

1. Site Description

- 1.1 The application site is situated on Laird Street in the conservation area of Dunbeth, Coatbridge. The site is situated amongst a mix of use classes including two storey traditional terraced dwellings to either side. Across from the site there is a college campus and primary school.

2. Proposed Development

- 2.1 The application seeks full planning permission for a change of use from office (class 2) to café (class 3). The application includes replacing the existing modern shopfront with a traditional shopfront.

3. Supporting Information

- 3.1 The applicant has not submitted any supporting information.

4. Site History

- 03/01491/FUL Change of Use from Dance School to Class 2 Office (Application Permitted)
- 09/00592/FUL Re-Roofing to Block of 4 Properties using Redland Richmond Concrete Rooftile to Match Existing (Application Permitted)

5. Development Plan

- 5.1 The site is covered by General Urban Area within the Placemaking Policies. The policies most relevant to this application are PP 3 Policy Purpose of Place. This policy aims to maintain and improve the level of amenity of urban areas. The site is also covered by Protecting Assets B3 (Conservation Areas) policy which aims to ensure proposed developments are appropriate to conservation area. The Environmental Design Quality (EDQ) Policies apply to all developments.

6. Consultations

- 6.1 NLC Food Safety/Business regulations were consulted on 26 September 2024. A response was received on 7 October 2024 advising they have no objection to the proposal subject to conditions.
- 6.2 NLC Protective Services were consulted on 20 September 2024. A response was received on 18 October 2024 advising they have no objections to the proposal subject to conditions including further details of ventilation and extraction of fumes to be submitted prior to any development commencing. Conditions have been added to ensure adequate ventilation is installed at the site.
- 6.3 NLC Traffic and Transportation were consulted on 20 September 2024. A response was received on 4 November 2024 advising they have no objections to the proposal.

7. Representations

- 7.1 Standard Neighbour Notification letters were issued on 20 September 2024. 9 letters of objection were received. 6 of these letters of objection were received within the neighbour notification period and will be taken into consideration in accordance with standard procedure.

For information the points of objection can be summarised as follows:

- Traffic and parking issues
- Safety of pedestrians and road users
- Access for deliveries
- Cooking fumes
- Noise and disturbance

- Litter / discarded food leading to vermin issues

7.2 The following points were also raised but are considered as non-material considerations:

- Students / youths congregating outside café – intimidating elderly residents
- Increase in pedestrian traffic
- Negative affect on neighbouring trade

8. Planning Assessment

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The application raises no strategic issues and can be assessed against the local plan.

8.2 The application site is in an area designated by General Urban Area in the North Lanarkshire Local Development Plan (2022), where Placemaking Policy 3 (Purpose of Place) is relevant. This policy seeks to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with their residential character and encouraging diversity in more mixed-use areas. Protecting Assets B3 (Conservation Areas) is also relevant to the application site, which states that the designs, materials, scale, and siting of any development shall be appropriate to the character of the conservation area and its setting. PP3 and PROT B3 requires such proposals to be assessed against the criteria of Environmental Development Qualities (EDQ) 1-3, where EDQ 1A is the most relevant to the application site. The proposed alterations to the shopfront are considered to be appropriate and the introduction of a more traditional frontage is to be welcomed

8.3 The matters raised in the letter of objections are address in turn below.

- **Traffic and Parking issues / Access for Deliveries**

Comment: NLC traffic and consultation were consulted and have no objections. There is on street parking available, and it is worth noting that previous use of the site would have required similar levels of parking.

- **Safety of pedestrians and road users**

Comment: It is viewed that this proposed change of use would not impact the safety of pedestrians and road users and again NLC traffic and transportation have no objections to the proposal

- **Cooking Fumes**

Comment: NLC protective services have provided no objections subject to conditions added to the application. It is noted there is a café in close vicinity where cooking fumes have not been considered an issue.

- **Noise and Disturbance**

Comment: It is viewed that this proposed change of use will not give rise to significant or detrimental noise and disturbance levels. It is noted there is a café in close vicinity where there is no significant impact on noise and disturbance levels.

- **Litter / Discarded Food**

Comment: It is viewed that due to the nature of the proposed change of use as a sit in café there will be no significant impact on litter in the area. It is noted there is a café in close vicinity where there is no significant impact on litter or discarded food waste.

9. Conclusions

- 9.1 In conclusion, considering all the circumstances relevant to this application, the change of use and shopfront alterations are considered acceptable. The proposal will not have a detrimental effect on the neighbouring properties and character of the surrounding area, therefore, complies with policies PP 3 Purpose of Place (General Urban Area) and Protecting Assets B3 (Conservation Areas) in North Lanarkshire Local Development Plan 2022 and the Environmental Design Quality (EDQ) Policies contained in the plan. Notwithstanding the objections received, taking account of the provisions of the development plan and all other material considerations, it is recommended that permission be granted subject to conditions.