

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 November 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0434
Planning proposal:	Installation of 2 no. jet wash machines with 3.25m screens, installation of 5m lighting pole, relocation of air/water and vacuum machines and associated alterations

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Motor Fuel Group Ltd
Location:	Northway Service Station 87 Stewart Street Carluke ML8 5BY

## 2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

## 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other information

- ♦ Applicant's Agent: MBH Design Studio Ltd
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): South Lanarkshire Local Development Plan (Adopted):  
Policy 6 General urban area/settlements  
Policy 4 Development management and placemaking  
Policy 2 Climate change  
Supplementary Guidance 3: Development Management, Placemaking and Design:  
Policy DM13 Development within general urban area/settlement

Proposed South Lanarkshire Local Development  
Plan 2 (SLLDP2):  
Policy 3 General Urban Areas  
Policy 5 Development Management and  
Placemaking  
Policy 2 Climate change  
Policy DM1 New Development Design

◆ **Representation(s):**

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Environmental Services

## **Planning Application Report**

### **1 Application Site**

- 1.1 The site consists of an existing petrol station situated on the western side of Stewart Street (A73) in Carluke. The site comprises of a retail shop, an automated carwash, a compressor for inflating tyres, 8 fuel pumps under a canopy and a car vacuum. The site is bound on all sides by residential properties. There is an established planting strip along the boundary of the site with properties in Douglas Street and to the rear of the neighbouring dwellings on Stewart Street located to the south of the petrol Station.
- 1.2 The hours of operation of the petrol filling station and shop are 06:00 to 23:00 Monday to Friday and 07:00 to 23:00 Saturday and Sunday. In addition, only 4 pumps are operational between 06:00 and 07:00 and the car wash, air compressor and car vacuum facilities are not operational until after 07:00 (Monday to Friday).

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning consent for the installation of 2 no. jet wash machines and associated screens, installation of 5m lighting pole, the relocation of air/water and vacuum machines and associated alterations. Through the assessment of the application, the applicant has submitted amended plans to increase the maximum height of the wash bay screens from 2.6m to 3.25m to the rear sections and a roof panel has been incorporated. The applicant has also agreed to the wash bay hours of operation being Monday to Friday 07:00 to 22:00, and Saturday and Sunday 08:00 to 21:00.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 The adopted South Lanarkshire Local development Plan (SLLDP) identifies the application site as being located within a residential area where Policy 6: General urban area/settlements and Policy 4: Development Management and Place Making and the associated Supplementary Guidance apply. Policy 6: General urban area/settlements advises that, within urban areas, developments of an ancillary nature such as small scale retail uses may be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. Developments considered a 'bad neighbour' by virtue of noise, disturbance or traffic or public safety will not be permitted if they are detrimental to the amenity of residents. Policy 4: Development Management and Place Making sets out criteria to be used to assess proposals and includes ensuring there is no significant adverse impact on adjacent buildings in terms of amenity and in terms of noise and light pollution. Supplementary Guidance DM13 - Development within General Urban Area/Settlement states that the character and amenity of an area should not be impaired by reason of traffic generation, parking, noise or emission of gasses or particulates. Policy 2 - Climate Change aims to ensure that proposals do not cause unacceptable detriment to the environment through such factors as emissions and pollutants.
- 3.1.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning

applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are, nevertheless, a material consideration.

- 3.1.3 The relevant policies within the SLLDP2 are: Policy 3 General Urban Areas, Policy 5 Development Management and Placemaking, Policy 2 Climate change and Policy DM1 New Development Design.

### 3.2 **Relevant Government Advice/Policy**

- 3.2.1 The National Planning Framework (NPF) 3 supports the many and varied opportunities for planning to support business and employment. The Scottish Planning Policy (SPP) 2014 advises that the planning system should take this into account and give due weight to the net economic benefit of such proposals.

### 3.3 **Planning Background**

- 3.3.1 In August 1987, planning permission was granted by the former Clydesdale District Council for the refurbishment and extension of the petrol station without any restriction on operating hours. On 9 October 1988, planning permission P/LK/01/88/0401W was granted for further redevelopment of the petrol station. Condition 3 of this planning permission restricted the hours of operation to be between the hours of 08:00 and 20:00. The applicant appealed condition 3 to the Scottish Office. The Reporter appointed to determine the appeal (P/PPA/SR/135) amended the condition to state that the shop and building could operate between the hours of 07:00 and 23:00. The carwash and car vacuum was to operate between the hours of 08:00 and 22:00.
- 3.3.2 On 21 June 1991, an application P/LK/01910423 P was submitted to vary condition 3 set by the Reporter above, to allow 24 hour opening. On 21 August 1991, this planning application was refused by the former Clydesdale District Council.
- 3.3.3 Planning application (P/18/0656) was submitted in 2018 to vary condition 3 to extend the hours of operation by two hours, from 05:00 to 23:00. After discussions between the Planning Service and applicant's agent, the application was amended to extend the hours of operation by one hour, from 06:00 to 23:00 Monday to Sunday. The Planning Committee, at its meeting on 6 November 2018, approved the opening hours of the premises to be from 06:00 to 23:00 except on Saturdays and Sundays when the opening hours would be from 07:00 to 23:00. A further condition of the consent allows only 4 pumps to be operational between 06:00 and 07:00 and the car wash, air compressor and car vacuum not to be operational until after 07:00 (Monday to Friday).

## 4 **Consultation(s)**

- 4.1 **Environmental Services** – The applicant has submitted a noise impact assessment and lighting information to demonstrate that mitigation measures can reduce the potential disturbance to neighbouring dwellinghouses to within an acceptable level. The applicant has further improved the mitigation measures by increasing the height of the screens around the wash bays and adding a roofed panel over the bays. It is considered that overspray will be controlled through the increased height in screens and inclusion of a roof section over the bay. The lighting

details are acceptable. In consideration of the information submitted, there is no objection subject to conditions.

**Response:** Should consent be granted, suitable conditions will be attached as per the advice of Environmental Services. In addition, it is considered appropriate that the hours of operation should be limited to reduce the impact on nearby residential dwellings and their rear gardens. Should consent be granted, a condition will be attached to restrict the hours of use of the wash bays as follows: Monday to Friday 07:00 to 22:00 and Saturday to Sunday 08:00 to 21:00.

## **5 Representation(s)**

5.1 Following the carrying out of statutory neighbour notification, 5 letters of representations were received. Further notification was carried out on receipt of amended plans and, as a result, a further 3 letters of objections were received. The grounds of objection are summarised as follows:-

- a) **The proposal will cause unacceptable noise disturbance to neighbouring residents. The increase of noise creating equipment at the site is unacceptable and, if all equipment is used at the same time, the noise creation will be detrimental to residential amenity. The existing automated car wash causes noise disruption.**

**Response:** The Council's Environmental Services has assessed the noise impact assessment submitted by the applicant and is satisfied that no unacceptable noise nuisance will occur to neighbouring properties. The report submitted shows that the potential noise generated will be within acceptable limits, and that the proposed screens will aid noise reduction. Should the existing automated car wash cause noise disruption, the Council's Environmental Services should be contacted to investigate and take action as necessary.

- b) **The applicant has not submitted sufficient information to enable a full assessment of the issues, such as noise impact assessment, specification of the glazing, specification of the jet washer and intended opening hours.**

**Response:** Through the assessment of the application the applicant has submitted a noise impact assessment and lighting information which has been considered by the Council's Environmental Services. Environmental Services has also considered the potential overspray when determining the height of the screens and requested a roof section. It is considered that satisfactory information has been submitted to enable a full assessment to be carried out. The appropriate opening hours have been considered as part of the assessment.

- c) **The proposal will adversely impact on amenity and health through overspray. There is also no details of how the polluted overspray and polluted water run-off will be addressed. Overspray cannot be adequately controlled as the weather will simply spread it. The additional mitigation measures will not be effective.**

**Response:** The Council's Environmental Service is satisfied that no unacceptable overspray will occur subject to the installation of the proposed screens to catch the spray which will then be discharged via a drainage system. Should consent be granted, a condition would be attached to ensure a suitable drainage system was installed.

**d) The proposal will cause an increase in road traffic generation.**

**Response:** The proposals involve minor additions to the overall range of services which will not generate significant amounts of additional traffic.

**e) The proposal does not comply with SEPA's guidance on wash bays, in particular, not roofing the wash bays and the proposed screen is an inadequate barrier to prevent overspray especially given the close proximity to rear gardens and dwellings.**

**Response:** The Council's Environmental Service has requested a partial roof screen which they consider adequate to prevent overspray and is satisfied with the height of the side screens proposed. Should consent be granted and an issue with overspray occurs, the Council as Planning Authority and Environmental Services can be contacted to investigate and take action as necessary.

**f) The proposal would increase the intensity of use of a commercial facility which exists within a residential area.**

**Response:** The proposals involve the introduction of two wash bays at an established service station. The general amenity and character of the area will not be adversely affected.

**g) The earlier planning approval for extended opening hours has led the way for applications such as this. Residents have had to live with the adverse noise and disturbance of the increased hours.**

**Response:** The Planning Service is not aware of any complaints being received as a result of the extended opening hours. In any event, they are not the subject of this application. Nevertheless, restrictions on the use of the wash bays are proposed.

**h) There is no requirement for another wash bay facility in Carluke.**

**Response:** This is not a material planning consideration.

**i) The wash bays should not be allowed to be used without restricted hours of use.**

**Response:** A condition is proposed to be attached to any consent granted to limit the operating hours of the wash bays.

**j) The 5m pole mounted lighting will cause light intrusion to neighbouring properties. The existing lighting pole on site causes issues.**

**Response:** The applicant has submitted details of the proposed lighting, including indicative light overspill and how that would be mitigated. The Council's Environmental Services is satisfied that no unacceptable light nuisance will occur, as the light radiance will be focused into the application site. Conditions would be attached to any consent granted to ensure the approved scheme was implemented and maintained and require the lighting pole be switched off when the jet wash bays are not in use. In terms of the existing lighting, there are no restrictions on the previous planning consents on the hours it can be in use and it would not be appropriate to impose a condition under this application. Nevertheless, Environmental Services has been advised of the concerns and asked to investigate whether it constitutes a nuisance.

- k) **Submitting the application during COVID-19 lockdown restrictions is inappropriate and will not allow members of the public to assess and comment on the application.**

**Response:** The application was available to view on the Council's online Planning Portal, and the Planning Officer was available via telephone to answer enquiries. It is considered that ample opportunity was provided for reviewing the application and submitting comments as necessary.

- l) **The proposal is unsightly and will exacerbate the rundown appearance of the premise.**

**Response:** The proposed wash bays are sited back from the entrance into the site and would visually integrate with the commercial premise and equipment which exists on site. It is not considered that the proposal would cause a proliferation of equipment to the detriment of visual amenity.

- m) **There is concern that this application could set precedent for further developments on site in the future.**

**Response:** Each application is considered on its individual merits and determined on their own right. Should approval be given, this would have no impact on the outcome of any future applications.

- n) **The amended proposal does not address the potential overspray and noise concerns in relation to the jet wash machines raised previously.**

**Response:** As noted earlier, a noise impact assessment has been provided that shows that, with mitigation, the proposals would not result in adverse noise impact for neighbouring properties. In addition, the design of the screens has been agreed in discussion between the applicants and Environmental Services who are satisfied that overspray will be controlled.

5.2 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

6.1 The applicant seeks detailed planning consent for the installation of 2 no. jet wash machines with 3.25m screens, installation of 5m lighting pole, relocation of air/water and vacuum machines and associated alterations at Northway Service Station, Carluke. The main considerations in determining this application is its compliance with planning policy and the impact on residential amenity.

6.2 The site is identified in the adopted South Lanarkshire Local Development Plan as being within a residential area and is affected by Policy 4 - Development Management and Placemaking, Policy 6 General Urban Area/Settlements and Policy DM13 - Development within general urban area/settlement of Supplementary Guidance 3: Development Management, Placemaking and Design. These policies aim to protect residential amenity and, in particular, prevent uses which may by virtue of visual impact, noise and disturbance be detrimental to the amenity of a residential area.

6.3 The applicant has submitted a noise impact assessment (NIA) and lighting information which has been assessed by Environmental Services. The proposed 5m pole mounted lighting is considered acceptable as minimal overspill to neighbouring properties would occur. With regards the potential for noise nuisance, the NIA submitted has satisfactorily demonstrated that the proposal can be

accommodated without an unacceptable level of noise to the neighbouring residents over existing background noise levels. The Council's Environmental Services considered the issue of potential overspray and requested that the applicant amend the proposal to include higher screens (3.25m maximum) with a partial roof screen to prevent unacceptable overspray to the neighbouring residential property. The improvement of the screens with partial roof will also aid noise reduction. In conclusion, the Council's Environmental Services has not objected to the proposal. On this basis, it has been satisfactorily shown that no unacceptable noise, light nuisance or overspray would occur to neighbouring properties. However, should there be issues relating to noise, light or overspray impacting on residential amenity should the proposal come into use, complaints can be raised with the Council as Planning Authority and Environmental Services to investigate and take action as necessary to remedy the disturbance.

- 6.4 Policy 2 - Climate Change aims to ensure that proposals do not cause unacceptable detriment to the environment through such factors as emissions and pollutants. It is considered that the proposal is small in scale and would not have notable adverse impacts on the wider environment. The proposed wash bay screens should contain overspray which will then be trapped and discharged. Should approval be given, a condition will be attached to ensure that a suitable drainage arrangement is installed.
- 6.5 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are, nevertheless, a material consideration.
- 6.6 Through the assessment of the application, 8 letters of objection were received. The grounds of objection are summarised and responded to in section 5 of this report. As a result of the thorough assessment carried out and in consideration of the objections received, the proposed mitigation measures have been amended through the increased maximum screen height and the installation of a roof section over the wash bays. It is also proposed that the hours of operation are also reduced to Monday to Friday 07:00 to 22:00 and Saturday and Sunday 08:00 to 21:00. It is considered that the applicant has sufficiently demonstrated that the proposed development would not cause unacceptable disturbance to residential amenity through noise, light and overspray. It is not considered that the proposal will have unacceptable impact upon road safety on an existing commercial facility where the entry and exit arrangement will be as existing. In conclusion, it is considered that the proposal complies with the development plan, and it is recommended that planning approval be granted.

## **7 Reasons for Decision**

- 7.1 The proposal in terms of noise, lighting and overspray will not have an unacceptable adverse impact on the amenity of neighbouring residential properties and will have no adverse detriment to road safety. The proposal complies with Policies 2, 4, 6 and associated supplementary guidance of the adopted South Lanarkshire Local Development Plan and Policies 2, 3, 5 and DM1 of the proposed SLLDP 2.

**Michael McGlynn**

**Executive Director (Community and Enterprise Resources)**

22 October 2020

## **Previous References**

- ◆ Planning Committee, 6 November 2018 (P/18/0656)

## **List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 09.04.2020 and 25.09.2020
  
- ▶ Consultations

Environmental Services

23.09.2020

## **▶ Representations**

Mr Chris Waltho, 73 Stewart Street, Carluke, ML8 5BY

Dated:

29.04.2020  
& 15.10.20

Miss Jeanette Wright, 86, Stewart Street, Carluke, ML85BY

28.04.2020  
& 16.10.20

Mrs Moira Elliott, 99 Stewart Street, Carluke, ML8 5BY

27.04.2020

Mr Tom Forrest, 72 Douglas Street, Carluke, ML8 5BX

14.04.2020

Mr Thomas Robertson, 86, Stewart Street, Carluke, ML85BY

28.04.2020

Mr Thomas Forrest, 72 Douglas Street, CARLUKE, ML8 5BX

28.09.2020

## **Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455170

Email: [pamela.mcmorran@southlanarkshire.gov.uk](mailto:pamela.mcmorran@southlanarkshire.gov.uk)

## Conditions and reasons

01. The use of the jet wash hereby approved shall be restricted to the following hours of operation:  
Monday to Friday 07:00 to 22:00, and  
Saturday and Sunday 08:00 to 21:00

The applicant shall ensure that outwith these hours access to the jet wash is prevented.

Reason: To minimise noise disturbance to adjacent occupants.

02. Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (LAr,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (LAr,15min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

The internal noise levels at any noise sensitive receptor and resultant from the development shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

- a) The internal levels with windows open do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open do not exceed an LAmx of 45dB night-time (23:00 - 07:00).

The Internal Noise Rating Values, within any residential property and resultant from the development shall not exceed-

- ◆ NR25 between 23.00hrs and 08.00hrs
- ◆ NR35 between 08.00hrs and 23.00hrs

Reason: To minimise noise disturbance to neighbouring dwellings.

03. The lighting scheme as provided by GW Lighting Consultancy (drawing ref: DM113) shall be implemented prior to the development being brought into use and shall thereafter be operated in accordance with the approved scheme to the satisfaction of the Council as Planning Authority. The scheme shall ensure that the Impact on any neighbouring property by the new scheme is controlled and restricted to prevent the boundary spillage of light that may cause nuisance.

Reason: To minimise light pollution and disturbance to neighbouring dwellinghouses.

04. At the reasonable request of the Council as Planning Authority and following a complaint to it relating to noise, lighting or overspray arising from the operation of the development, the person in control of the development shall appoint an independent consultant, whose appointment shall require to be approved by the Planning Authority in consultation with Environmental Services, to measure the level of noise, lighting parameter or the presence of overspray at any neighbouring property arising from the development at the property to which the complaint related. The measurement shall be undertaken in accordance with the most appropriate standard subject to agreement with the Planning Authority in consultation with Environmental Services.

Where an assessment of the noise, lighting or overspray impact is, in the opinion of the Planning Authority in consultation with Environmental Services, acting reasonably, found to be in breach of the limits or causing nuisance the person in control of the development shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority in consultation with Environmental Services for prior approval. Thereafter the approved mitigation measures require to be implemented within the timescales agreed.

Reason: To enable monitoring of the development to prevent unacceptable disturbance to neighbouring dwellings.

05. Prior to the jet wash coming into use, a suitable drainage system shall be installed to drain and prevent the pooling of water (and any other materials associated with the activity). This shall prevent such materials from entering any adjacent property or public space or highway.

Reason: To ensure a suitable drainage system is provided on site to serve the development.

06. That the relocated air compressor and car vacuum hereby approved shall be restricted to use between the hours of 07:00 and 23:00.

Reason: To minimise disturbance to neighbouring dwellings.

07. That the enclosure as shown within the submitted Drawing No 13689-204 shall be constructed to the noted specification prior to either of the jet wash machines coming into use to the satisfaction of the Council as Planning Authority and Environmental Services.

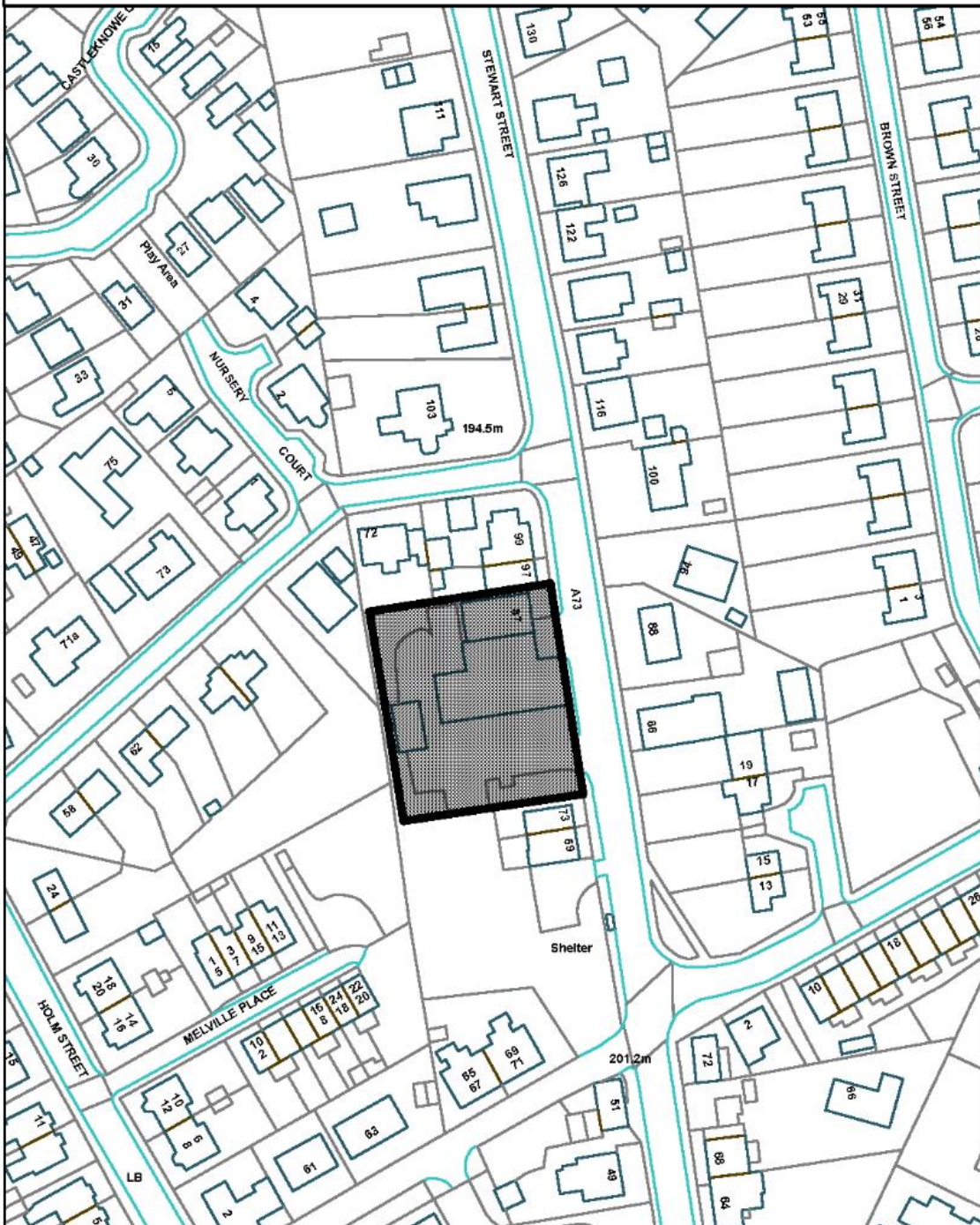
Reason: To ensure that the potential for over spray disturbance to neighbouring properties is minimised.

08. That the use of the lighting pole hereby approved shall be limited to between the hours specified in condition 1 above and will be switched off at all other times.

Reason: To protect the residential amenity of the area.

P/20/0434

Northway Service Station 87 Stewart Street Carlisle



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Scale:  
1:1,250  
Date:  
05/10/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development