

Appendix 4

Planning Decision Notice and Reasons for Refusal



Town and Country Planning (Scotland) Act 1997

To: **Shehbaz Hussain Allan**
Bracken House
Northfield
Lesmahagow
Lanark
ML11 0JE

Per: **Alex Cullen & Co.**
7 Gateside Street
Hamilton
ML3 7HT

With reference to your application dated 04 February 2011 for Planning Permission under the above mentioned Act :

Description of Proposed Development :

Change of use of retail unit to hot food take-away and erection of flue to the rear of property

Site Location:

2 Clarkwell Road
Hillhouse
Hamilton
ML3 9TQ

South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSSION

for the above development in accordance with the accompanying plan(s) and particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 06/04/11

Michael McGlynn, Head of Planning and Building Standards Services

<p>This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.</p>

South Lanarkshire Council
Enterprise Resources
Planning and Building Standards Services

**South Lanarkshire Council
Refuse Planning Permission**

Application Number: HM/11/0042

Reason(s) for Refusal:

- 1 This decision relates to drawing numbers:
1095
1096
- 2 The proposal is contrary to Policy RES6 of the adopted South Lanarkshire Local Plan in that it would introduce a bad neighbour use into a residential area detrimental to the character and amenity of the locality.
- 3 The proposal is contrary to Policy DM1 of the adopted South Lanarkshire Local Plan in that it represents a form of development that does not comply with the criteria of the policy with particular regard to criteria (a) in that it does not reflect the local context as the proposal is located in an established residential area.
- 4 The proposal is contrary to Policy DM10 of the adopted South Lanarkshire Local Plan in that it fails to satisfy the relevant criteria for the siting of a hot food operation within a residential area as it would result in: (1) an inadequate level of shopping provision provided at the location; (2) the property has not been unsuccessfully marketed for a Class 1 use to the satisfaction of the Planning Authority and (3) it would result in an adverse impact in terms of environmental and amenity considerations (e.g. noise, disturbance and odour) particularly in relation to the adjacent residential properties.
- 5 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.