

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Shebaz Hussain Allah



For official use: NOR/ _ / _ / _
Date received by PLRB: _ / _ / _

Notice of Review

Under Section 43A(8) of The Town and Country Planning (Scotland) Act 1997 (as amended) in respect of decisions on local developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008
The Town and Country Planning (Appeals) (Scotland) Regulations 2008

This notice requires to be served on the Planning Authority within 3 months of the date of the decision notice or from the date of expiry of the period allowed for determining the application which is set as 2 months following the validation date of the application

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your Notice of Review.

Please complete in BLOCK CAPITALS

Applicant(s) **Agent (if any)**

Name: SHEHBAZ HUSSAIN ALLAH

Name: AUCX. CULLEN & CO

Address: BRACKEN HOUSE
NORTHFIELD
LESMAITHAGAN

Address: 7. GATESIDE STREET
HAMILTON

Postcode: ML11 0JE

Postcode: ML3 7HT

Contact Telephone 1:

Contact Telephone 1: 01698 282856

Contact Telephone 2:

Contact Telephone 2: 01555 662016

Fax No:

Fax No: 01698 282055

E-mail:*

E-mail:*

Mark this box to confirm that all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Application reference number:

H	M	1	1	1	1	0	0	4	2
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Site address:

2. CLARK WELLS ROAD HILLHOUSE, HAMILTON ML3 9TQ
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Description of proposed development:

CHANGE OF USE OF RETAIL UNIT TO HOT FOOD TAKE-AWAY & ERECTION OF FUE TO REAR OF PROPERTY
--

Validation date of application:

7/02/2011

Date of decision (if any):

6/01/2011

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; end/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for requesting review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

In cases where the Planning Local Review Body considers that it has sufficient information, including the Notice of Review, the decision notice, report of handling and any further representations from interested parties, it may, under Regulation 12, proceed to determine the review. It is anticipated that the majority of cases the Planning Local Review Body deals with will fall into this category.

The Planning Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable it to determine the review. Further information may be required by one or a combination of procedures, such as written submissions, the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you consider most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

TO ALLOW THE APPLICANT TO EXPLAIN HIS CASE IF CONSIDERED NECESSARY

Site inspection

In the event that the Local Review Body decides to inspect the review site, In your opinion:

- 1. Can the site be viewed entirely from public land? Yes No
- 2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes No

If there are reasons why you think the Planning Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement of reasons for requiring the review

You must state, in full, why you are requesting a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is, therefore, essential that you submit with your Notice of Review all necessary information and evidence that you rely on and wish the Planning Local Review Body to consider as part of the review.

If the Planning Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your Notice of Review and all matters you wish to raise. If necessary, this statement can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The applicants family recently applied for Planning Permission for a Hot Food Take-Away when the property No2, was under lease from the Council, but this was refused. Subsequently, the property is now owned by the applicant and needs to be used commercially and thus a fresh application for a Take-Away was made, which again was refused. (See Report accompanying application)

The applicants' father owns No. 6 in the same row of units and operates there as a General Store. Since the applicants expertise is in catering his living can be earned by operating a Take-Away service with the added advantage that the two businesses could operate close to one another and all within the family and more efficiently.

In regard to the reasons for refusal of the current application an in particular Conditions 2, 3, and 4, we would opinion that the current plan for retail use in this particular area is failing (with one unit vacant for at least a year) and with the added danger that Unit 2 may also be left vacant unless a more feasible use is allowed i.e. a Take-Away.

Conditions 2 and 5. The precedence has already been set by the fact that the property No.12 in the block, already operates as a Take-Away (Chinese).

Cont. See Paper Apart.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The fact that there is already a 'Take-Away' at No.12 Clarkwell Road is now highlighted In the above statement as a result of the Refusal of Planning Permission. Furthermore No.8 comprises of a Licensed Bookmakers Office as opposed to a shop. In addition further information is now contained regarding nearby 'Take-Aways'. This information should influence the situation to review the decision and allow the proposed 'Take-Away' to be approved,

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your Notice of Review and intend to rely on in support of your review.

1) LETTER ATTACHED TO APPLICATION for PLANNING PERMISSION
 2) COPY OF APPLICATION FORM for PLANNING PERMISSION
 3) COPY OF DECISION NOTICE
 4) COPY of APP. DWT. NO 1096, & VOWS
 5) COPY of STATEMENT OF REASONS FOR REQUIRING the REVIEW

Note: A copy of the Notice of Review, the review documents and any notice of the procedure of the review will be made available for inspection by prior appointment (Phone: 08457 406080) at the office of Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB until such time as the review is determined. It may also be made available on the Council's website.

Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- 2 copies of all documents, materials and evidence which you intend to rely on (eg planning application form, plans and drawings, decision notice or other documents) which are now the subject of this review.

Note. Where the review relates to a further application, eg renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application and supporting documents.

Signed: [REDACTED] Date: 14 June 2011

This form and 2 copies of all supporting documents should be sent to:-

**Head of Planning and Building Standards Services
 Enterprise Resources, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB**

Email: enterprise.hq@southlanarkshire.gov.uk
 Phone: 08457 406080

For more information or if you want this information in a different format or language, please phone 01698 455379 or send email to enterprise.hq@southlanarkshire.gov.uk

For official use

Date stamp)



ALEX. CULLEN & CO.

ARCHITECTS & SURVEYORS

7 GATESIDE STREET, HAMILTON ML3 7HT
TEL: (01698) 282856 FAX: (01698) 282055

18A BLOOMGATE, LANARK ML11 9ET
TEL: (01555) 662016 FAX: (01555) 661227

5

The applicants family recently applied for Planning Permission for a Hot Food Take-Away when the property No2, was under lease from the Council, but this was refused. Subsequently, the property is now owned by the applicant and needs to be used commercially and thus a fresh application for a Take-Away was made, which again was refused. (See Report accompanying application)

The applicants' father owns No . 6 in the same row of units and operates there as a General Store. Since the applicants expertise is in catering his living can be earned by operating a Take-Away service with the added advantage that the two businesses could operate close to one another and all within the family and more efficiently.

In regard to the reasons for refusal of the current application an in particular Conditions 2, 3, and 4, we would opinion that the current plan for retail use in this particular area is failing (with one unit vacant for at least a year) and with the added danger that Unit 2 may also be left vacant unless a more feasible use is allowed i.e: a Take-Away.

Conditions 2 and 5. The precedence has already been set by the fact that the property No.12 in the block, already operates as a Take-Away (Chinese).

Conditions 3 and 4. Apart from the 4No. houses directly opposite the retail block in Clarkwell Road, which are set well back from the retail units, all the other properties adjacent and surrounding the units are not residential and a further Take-Away would therefore have a minimum impact on the general area.

In addition nearby in Hillhouse Road the is a similar row of retail units, some of which are vacant and albeit 3 units are separate active Take-Aways. In fact one of the other units is presently used as an office. The retail side again seems to be failing as is also evident of the vacant Hillhouse Bar.

Taking all matters into account it would therefore seem reasonable to allow No. 2, Clarkwell Road, to be put to use as a Take-Away and which would provide employment for the applicant and any necessary staff.

REPORTED BY



ALEX CULLEN & CO.

Dated..... 14 June 2011

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ALEX. CULLEN & CO.
ARCHITECTS & SURVEYORS

7 GATESIDE STREET, HAMILTON ML3 7HT
TEL: (01699) 282856 FAX: (01699) 282055

18A BLOOMGATE, LANARK ML11 9ET
TEL: (01555) 662016 FAX: (01555) 661227

Our Ref: 1096/JA
Your Ref:

9th February 2011

South Lanarkshire Council
Planning Department
4th Floor, Brandongate
Leechlee Road
HAMILTON
ML3 0XB

Dear Sirs,

Proposed Change of Use to Hot Food Carry Out
At 2 Clarkwell Road, Hillhouse, Hamilton ML3 7TO
For Shenhbaz Hussain Allah

We write following our application on 4th February for Planning Permission in regard to the above and following our telephone call with your Gail Mudie we now write as follows:-

- 1) The intended opening hours are 11am - 11pm weekdays and 4pm - 11pm Saturday/Sunday or subject to your approval.
- 2) The change of use is necessary to provide a livelihood for the applicant and his family starting a new business with their expertise in preparing cooked food, while the adjoining premises at No.6 Clarkwell Road viz, the Spar Shop, is owned by the applicant's father. The property, subject to this change of use, was vacant for 5 weeks and was subsequently purchased by the applicant as this was ideally located adjacent to his father's shop and business.
- 3) We are aware that one of the remaining shops (No. 10) in the row of shops has been closed for approximately 1 year and this indicates a lack of demand for retail units at this location.

Finally, we have to enclose 4 substitute location plans showing the amended and correct application site.

We trust this suits your purpose meantime.

Yours faithfully,
ALEX. CULLEN & CO



John Anderson

Encs.



Enterprise Resources

Non - householder planning application form

Town and Country Planning (Scotland) Act 1997
as amended by the Planning etc (Scotland) Act 2006
The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008

Please refer to notes of guidance prior to completing this form.

Part 1 Name and address of applicant(s).

Name

Address

Post code Daytime Phone

Email

Part 2 Name and address of agent (if any).

Name

Company

Address

Post code Daytime Phone

Email

Part 3 Full address of application site.

Building name / plot / unit no / flat position

Address

Post code

(please outline site in RED on all your location/block plans, if you own or control any land adjoining the application site please outline area(s) in BLUE)

Part 4**Description of proposed development.**

Please provide an accurate and detailed description of the proposed development
e.g. Erection of rear extension to building / change of use shop to office.

CHANGE OF USE OF CLASS 1 RETAIL TO
HOT FOOD CARRY OUT, CLASS 3

Part 5**Is the application for?** (please tick one box only)

Planning permission in principle.

Detailed planning permission (including change of use).

Approval of matters specified in conditions (please provide approval date and reference number of previous planning consent).

Ref no. Date

Renewal of a previous temporary permission (please provide date on which original consent expired and previous planning reference number).

Ref no. Date

Amendment to previous consent (please provide approved date and reference number of previous planning consent).

Ref no. Date **Part 6****Is this proposal a revised version of an application which has been withdrawn or refused within the last 12 months?**Yes No Ref no. **Part 7****If you have previously discussed this application with a planning officer, please provide the name of the officer and date of discussion.**Name of officer

NO

Date **Part 8****Site area / floorspace.**

(a) Gross area of application site (in hectares).

0.0042

ha.

(b) Gross floorspace of existing building (in square metres).

42

sq.m.

(c) Proposed additional floorspace (in square metres).

N/A

sq.m.

Part 9 Materials (finishes: include colour and type).

➔ see Note 1

Not applicable



Existing

Proposed

External walls

Roof

Windows

Boundary treatment

Part 10 Access and parking.

(a) Are you proposing a new altered vehicle access to or from a public road?

Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

(b) Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

(c) How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

(d) How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or a reduced number of spaces)

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

Part 11 Design and access statement/ design statement/ pre-application consultation report .

➔ see Note 2

Do you require to submit any of the following?

Design and access statement? Yes No Don't know

Design statement? Yes No Don't know

Pre-application consultation report? Yes No Don't know

If 'yes' to any of these, please ensure that it is submitted with your application.

Part 12**Water supply and drainage arrangements.**

(a) Will your proposals require new or altered water supply or drainage arrangements?

Yes No

(b) Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

- Yes, connecting to public drainage network
 No, proposing to make private drainage arrangements
 Not Applicable - only arrangement for water supply required

(c) What private arrangements are you proposing for the new/alterd septic tank?

- Discharge to land via soakaway
 Discharge to watercourse(s) (including partial soakaway)

Please show more details on your plans and supporting information

(d) What private arrangements are you proposing?

- Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
 Other private drainage arrangement (such as chemical toilets or composting toilets)

Please show more details on your plans and supporting information

(e) Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements)

Yes No

Note:- Please include details of SUDS arrangements on your plans

(f) Are you proposing to connect to the public water supply network?

Yes No, using a private water supply

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Part 13

Does the application relate to a listed building?

➔ see Note 3

Yes No Don't know

Part 14

Does the application relate to a building within a conservation area?

➔ see Note 3

Yes No Don't know

Part 15

Will the proposed development affect any trees?

➔ see Note 4

Yes No

Part 16 Assessment of flood risk.

Is the site within an area of known risk of flooding?

Yes No Don't know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact Planning and Building Standards Services or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere?

Yes No Don't know

If yes, briefly describe how the risk of flooding might be increased elsewhere and any proposals that you intend to carry out to mitigate these effects:

Part 17 Contamination and pollution.

➡ see Note 5

Is the site known or suspected to be contaminated or polluted?

Yes No Don't know

(If yes please provide further details in an accompanying letter)

Part 18 Hazardous materials.

➡ see Note 6

Do any of the proposals involve the use, storage, manufacture or disposal of hazardous materials?

Yes No (If yes please provide further details in an accompanying letter)

Part 19 Proposals relating to agriculture.

Is the development required for the furtherance of agriculture, horticulture or forestry?

Yes No (If yes please provide further details in an accompanying letter)

Part 20 Waste storage and collection.

Do the plans incorporate areas to store and aid the collection of waste?

Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made.

Waste storage and collection details:

Part 21 Planning service employee/Elected member interest.

Are you or is the applicant, or the applicant's spouse/partner, a member of staff within the planning service or an elected member of the planning authority?

Yes No

Or, are you/the applicant/the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes No

If you have answered yes please provide details:

Part 22 Planning fee.

I enclose a fee of £

No fee is required

Part 23 Any other information the applicant / agent wishes to submit in support of their application.

ADDITIONAL cheque (£100.00) ENCLOSED FOR ADVERTISEMENT.

C I am unable to issue a certificate in accordance with either A or B above.

1. I have been unable to serve notice on all persons who, 21 days before the date of this application, were either an owner or agricultural tenant with an interest in the land. I have been able to notify the following:

Name of owner(s) / tenant(s)	Address(es)	Date notified

2. I have taken reasonable steps, as listed below, to identify the names and addresses of the other owners and agricultural tenants, but have been unable to do so:

N.B. If you cannot serve notice on all persons because you do not know who owns the application site, or part of it, or who is an agricultural tenant, then you should contact the appropriate area office to obtain the relevant notice that you will need to complete and publish in a local newspaper.

Part 25

Does the proposed development involve any of the following?

(please tick the appropriate boxes)

Yes No

The construction of buildings for use as a public convenience;

The construction of buildings or other operations, or use of land -

- a. for the disposal of refuse or waste materials, or for the storage or recovery of re-useable metal;
- b. for the retention, treatment or disposal of sewage, trade-waste, or effluent other than -
 - (i) the construction of pumphouses in a line of sewers;
 - (ii) the construction of septic tanks and cesspools serving single dwelling-houses, or single caravans, or single buildings in which not more than 10 people will normally reside, work or congregate;
 - (iii) the laying of sewers; or
 - (iv) works ancillary to those described in sub-paragraph (i) to (iii);
- c. as a scrap yard or coal yard; or
- d. for the winning or working of minerals;

The construction of buildings or use of land for the purposes of slaughtering animals (including fish and poultry) or the processing of animal carcasses for final disposal or as part of the production of other goods;

Yes No

The construction or use of buildings for any of the following purposes - bingo hall; building for indoor games; cinema; dancing; fun fair; gymnasium (not forming part of a school, college or university); hot food shop; licensed premises; skating rink; swimming pool or theatre;

The construction of buildings for or the use of buildings or land as -
a. a crematorium, or use of land as a cemetery;
b. a zoo, or wildlife park, or for the business of boarding or breeding animals;

The construction of buildings and use of buildings or land for motor racing;

The construction of a building to a height exceeding 20 metres;

The construction of buildings, operations, and use of buildings or land which will -
a. affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting or discharge of any solid or liquid substance;
b. alter the character of an area of established amenity;
c. bring crowds into a generally quiet area;
d. cause activity and noise between the hours of 8pm and 8am;
e. Introduce significant change into a homogeneous area.

If the answer is to any of the above is "yes", then the planning authority have to advertise the proposal in a local newspaper. The applicant is required to pay the cost of this advert. Please contact Planning and Building Standards Services to establish the cost involved.

Checklist

To allow us to register your application and avoid unnecessary delays, please ensure that you have submitted the following information :-

Documentation

Fully completed, signed and dated application form.

Completion of ownership certificate confirming who owns the land and advising of any other owners who have been notified.

Design and access statement (if it is a major development or a design statement if it is a local development within a specified area).

Pre-application consultation report (if the application is a major development).

Fees

Correct fee enclosed – checked against scale of fees.

Plans

Non-householder applications – six full sets of plans

For more information or if you want this information in a different format or language, please phone 01698 455379 or e-mail enterprise.hq@southlancashire.gov.uk

Each set of plans includes:-

- Location plan at scale of 1:2500 or 1:1250 (or 1: 10000 if in rural area). Site clearly outlined in red and any other land owned by the applicant outlined in blue.
- Site plan at a scale of 1:500.
- Scaled floor plan(s) (not required for applications in principle applications).
- Scaled elevation plan(s) (not required for applications in principle applications).
- If any plan is larger than A3 size, It would assist if you could also provide one set of correctly scaled A3 size copies of the plan. This assists with speeding up the consultation process.

Declaration

I hereby certify that the information given by me in this form is true and accurate to the best of my knowledge.

Signature of applicant/ agent* (Delete as appropriate)

Date

Note: It should be understood that planning permission **does not** exempt you from the need to obtain any other permission which may be necessary under other legislation or regulations including The Building (Scotland) Acts, The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Act 1997, or the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. If in doubt please contact the appropriate area office on 08457 406080.



Data Protection Act 1998

In terms of the Town and Country Planning (Scotland) Act 1997, the Council is required to maintain a public register of specified information relating to planning applications which are submitted. The Council is required to make that register available for public inspection. In addition, the Council is required to make some of that information available to Community Councils in the form of a published weekly list of planning applications received. This weekly list is also available for sale to private individuals and companies. Accordingly, by submitting this application you are consenting to the processing of the relevant data under the terms of the Data Protection Act 1998 and to the inclusion of the data in the public register and the publicly available weekly list. If you do not wish to be included in the weekly list for public sale, please tick here.

Please note that when you submit a planning application, the information will appear on the planning register and the completed forms and any associated documentation will also be published on the Council's website. Personal telephone numbers, e-mail addresses and signatures will not be made public.

For official use only:

App. No.:

Date of Receipt:

Receipt No.:

Fee Paid:

③



Enterprise Resources
 Executive Director Colin McDowall
 Planning and Building Standards Service – Hamilton Area Office

Alex Cullen & Co.
 7 Gateside Street
 Hamilton
 ML3 7HT

Our Ref: HM/11/0042
Your Ref:
If calling ask for: Gail Neely
Phone: [REDACTED]
Date: 06 April 2011

Dear Sir/Madam

Proposal : Change of use of retail unit to hot food take-away and erection of flue to the rear of property
Site Address : 2 Clarkwell Road
 Hillhouse
 Hamilton
 ML3 9TQ
Application No : HM/11/0042

I would advise you that the above application was refused on 06 April 2011 and I enclose the decision notice which sets out the reasons for refusal.

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Gail Neely on 01698 453552.

Yours faithfully



Head of Planning and Building Standards

4th Floor Brandon Gate, Leechlee Road, Hamilton, ML3 0XB Phone: 08457 406080 Fax: 01698 453527
 Minicom: 01698 454039 Email: Enterprise.hamilton@southlanarkshire.gov.uk



Application No

HM/11/0042



Town and Country Planning (Scotland) Act 1997

To: Shehbaz Hussain Allah
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 PERMISSION

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

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.

**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.



ENTERPRISE RESOURCES
EXECUTIVE DIRECTOR Colin McDowall
Planning and Building Standards Services

Important notes

Town and Country Planning (Scotland) Act 1997

1. Compliance with conditions

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

2. Procedure for appeal to the planning authority

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

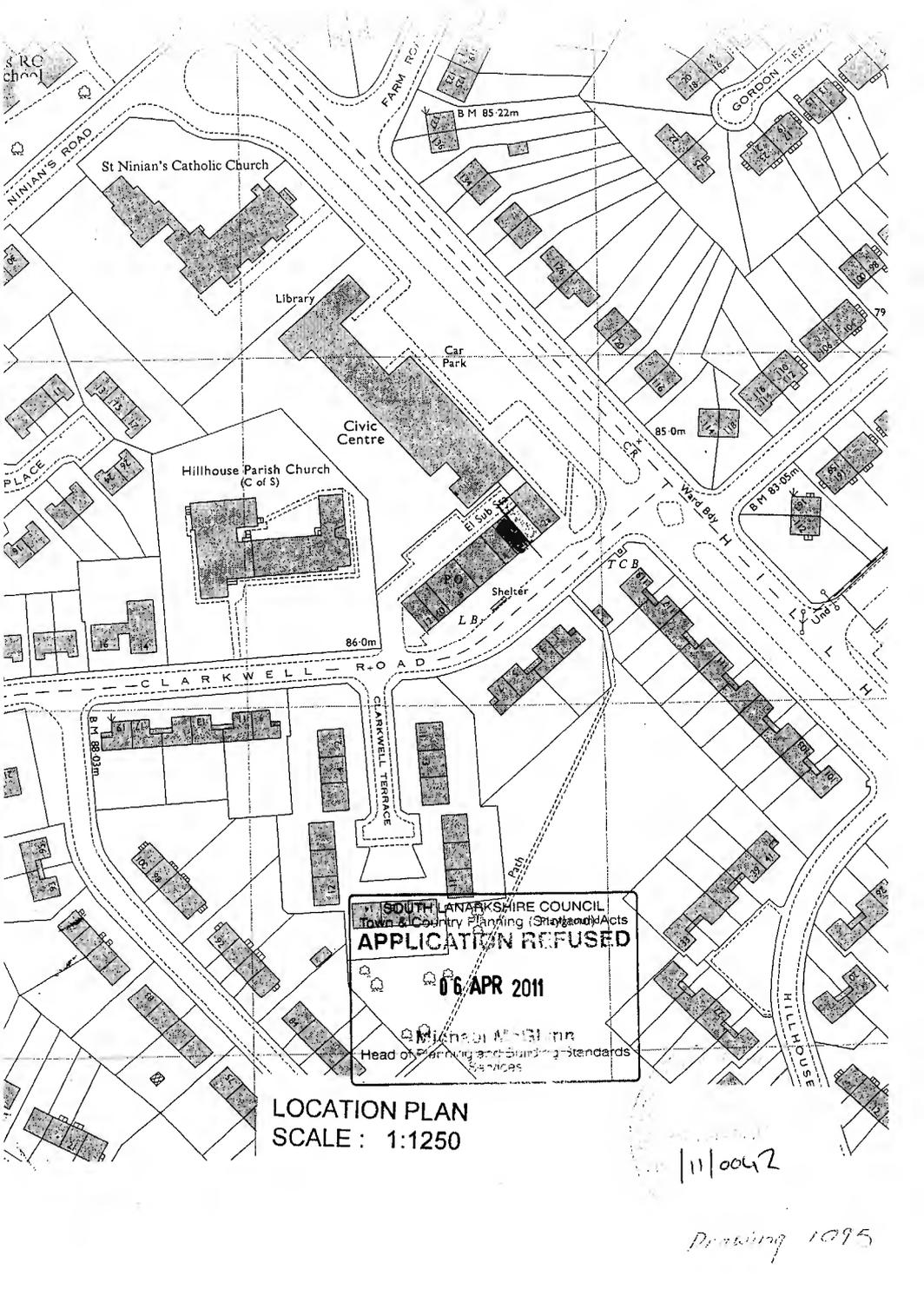
To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: [REDACTED]

E-mail: [REDACTED]

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



SOUTH LANARKSHIRE COUNCIL
Town & Country Planning (Grays) Acts
APPLICATION REFUSED

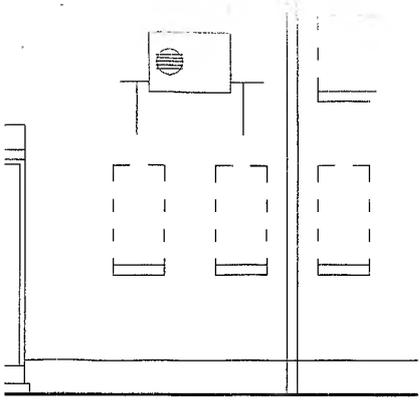
06 APR 2011

Michael Morrison
Head of Planning and Building Standards Services

LOCATION PLAN
SCALE : 1:1250

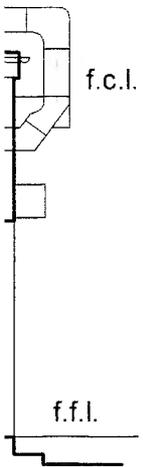
11/0042

Drawing 1095

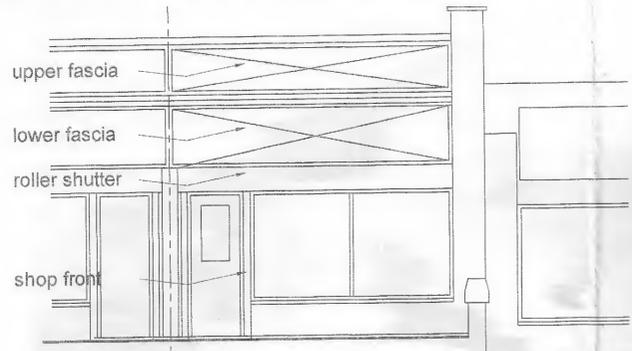


ION PROPOSED

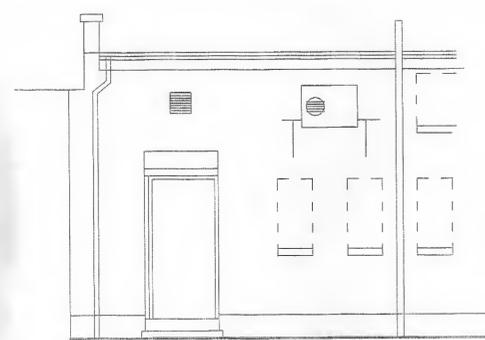
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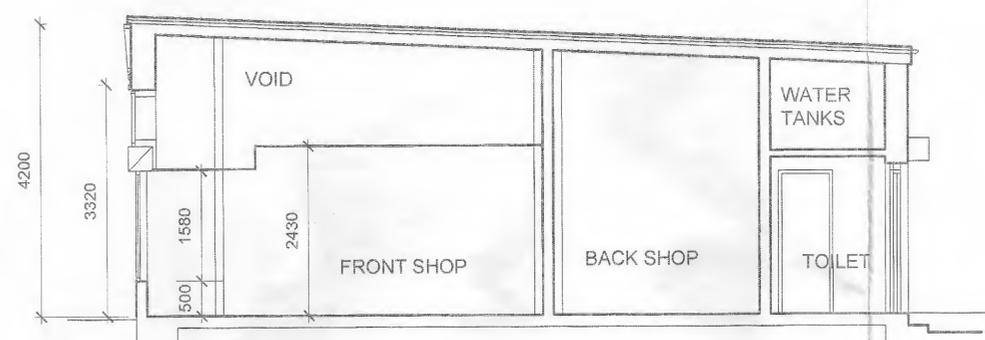
REVISIONS	DATE
<p>ALL WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED SIZES.</p> <p>ALL SIZES TO BE CHECKED ON SITE BEFORE COMMENCING WORK OR MAKING SHOP DRAWINGS.</p> <p>DETAIL TO BE TAKEN IN PREFERENCE TO SMALL SCALE SIZES.</p>	
<p>ALEX. CULLEN & CO. ARCHITECTS & SURVEYORS</p>	
<p>NC 7 GATESIDE STREET HAMILTON ML3 7HT TEL: (01696) 282856 FAX: (01696) 282055</p> <p>18A BLOOMGATE LANARK ML11 9ET TEL: (01555) 662016 FAX: (01555) 661227</p>	
<p>JOB PROPOSED CHANGE OF USE TO HOT FOOD CARRY OUT</p>	
<p>SITE ADDRESS 2 CARKEWELL ROAD HAMILTON ML3 9TQ</p>	
<p>CLIENT Mr. SHEHBAZ HUSSAIN ALLAH</p>	
DATE JAN 2011	SCALE 1:50 @ A1
DRAWN JA	
<p>DRG. No. 1096</p>	
<p>TYPE PROPOSED</p>	
<p>CERTIFIED SOUTH LANARKSHIRE COUNCIL Town & Country Planning (Scotland) Acts APPLICATION REFUSED</p>	
DATE:	06 APR 2011
SIGNED:	Michael McGlynn Head of Planning and Building Standards



FRONT ELEVATION EXISTING
SCALE 1 : 50



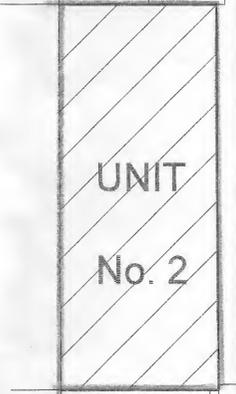
REAR ELEVATION EXISTING



LONGITUDINAL SECTION EXISTING
SCALE 1 : 50

BACKCOURT / SERVICE AREA

FOOTPATH



CLARKSWELL ROAD
BLOCK PLAN
SCALE : 1 : 200

SWITCHES : height between 900mm & 1100mm
SOCKETS : C.L. 400mm above f.f.l. & C.L. 150mm above units & 350mm away from corners

- ELECTRIC LEGEND**
- light fitting
 - ⊗ integral matrix light
 - fluorescent tube light fitting
 - 100mm M.V.E.
 - emergency lighting point (0.2 lux) to BS 5266 part 1: 2002
 - ⊕ 3 Kw pt.
 - ⚡ 2 way switch
 - ⚡ light switch
 - ⚡ 13 D amp
 - ⚡ fire exit sign

SPECIFICATION :

DOWNTAKINGS: Take down and remove internal wall finish as appropriate to receive new stainless steel / laminate board wall finish to be easy cleaned ; joint-free for hygiene purposes and class O spread of flame.

INTERNAL PARTITIONS: (NON LOAD BEARING): Internal partitions to be constructed of 75 x 45mm treated timber framing at 600mm ctrs. having dwangs at 800mm vertical ctrs. 12.5mm plasterboard. Toilet partitions to be retained.

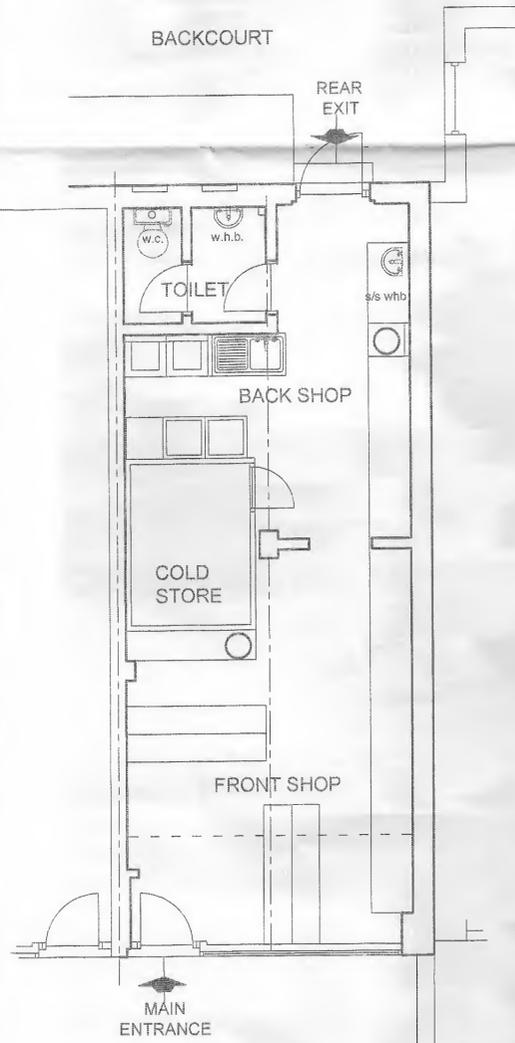
DOORS : Type A existing retained. Type B flush panel veneer door 838x2000.

VENTILATION: Existing M.V.E. in Kitchen as indicated with 150mm dia. mechanical vent to be capable of giving a minimum extraction rate of 60 litres/ sec. and to have delay over-run facility. M.V.E. to toilet as existing. New mechanical vent extract system over cooking area having canopy over per sec. New metal flue duct to be fitted internally taken at ceiling level from kitchen to rear of building and up over roof and fitted with m.s. brackets at 1200mm ctrs. fitted with condensing and filter system per Specialist.

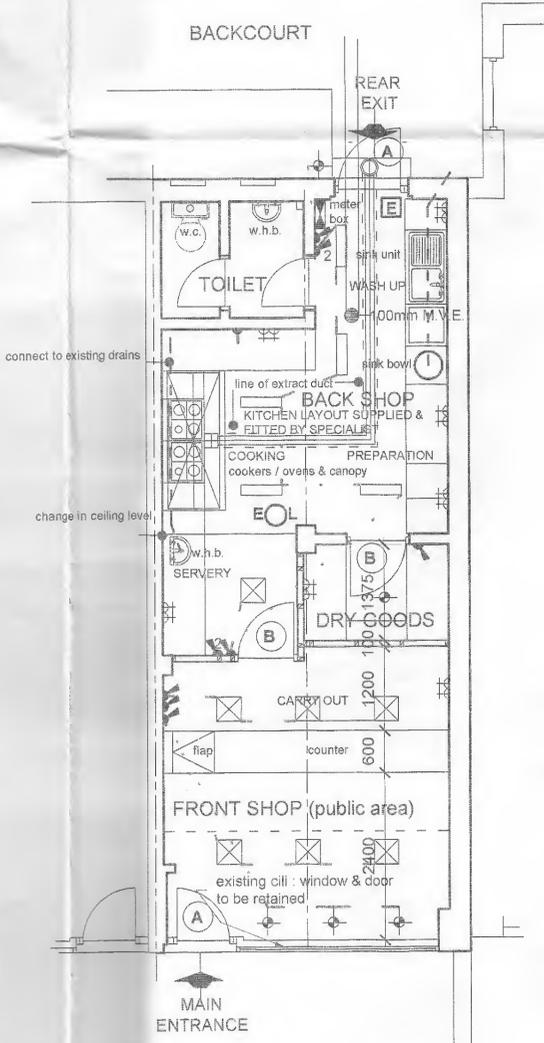
ELECTRICAL: All electrical installations to comply with the relevant requirements of BS 7671 : 2001 and certified by a qualified electrician on completion. N.B. Smoke alarms to comply with BS 5446: Part 1:2006 and to be interlinked and permanently wired to protected circuit at consumer unit with battery back-up. The light fitting within wet areas to be constructed of, or shrouded in insulating material, or fitted with a protective shield.

PLUMBING: 110mm dia. u.p.v.c. s.v.p. with access at all junctions; 42mm dia. u.p.v.c. connections to sinks; 32mm dia. u.p.v.c. to w.h.b. All connections to be made separately to vertical outlet and all fittings to have deep seal traps. Ducting to s.v.p. to be 38 x 38mm softwood with 12.5mm plasterboard finish and plywood access panels. Ductwork to be fully insulated where vertical risers required. Hot and cold pipework to be fully insulated where passing over and in ceiling voids and within wall space.

DRAINAGE: All drainage to be to the entire satisfaction of the local Building Control Authority. A meeting to be held on site to discuss and agree drainage prior to starting this work. Drainage to be constructed in accordance with BS EN 12056-2: 2000 for sanitary pipework.



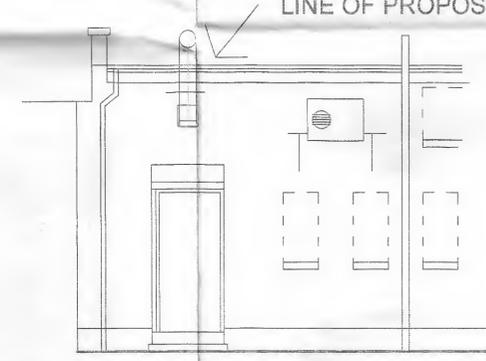
GROUND FLOOR PLAN EXISTING
SCALE 1 : 50



GROUND FLOOR PLAN PROPOSED
SCALE 1 : 50

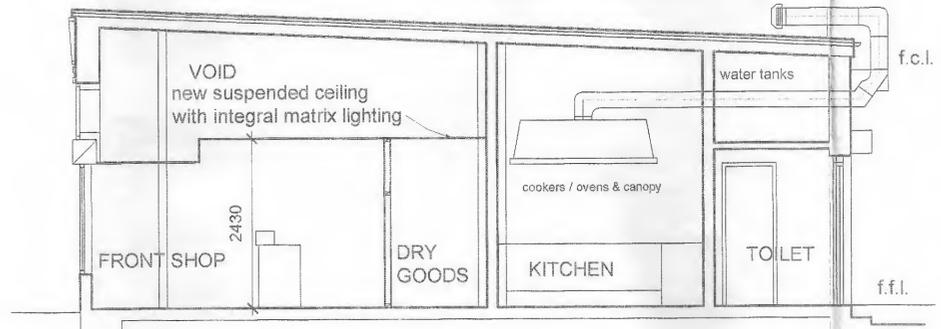


FRONT ELEVATION PROPOSED
SCALE 1 : 50



REAR ELEVATION PROPOSED

NEW FLUE DUCT :
Proprietary metal tubular 250Ø flue extraction duct from kitchen taken up rear of building & up over roof fixed with brackets at 1200 ctrs. and fitted with condensing filter system



LONGITUDINAL SECTION PROPOSED
SCALE 1 : 50

REVISIONS	DATE
ALL WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED SIZES.	
ALL SIZES TO BE CHECKED ON SITE BEFORE COMMENCING WORK OR MAKING SHOP DRAWINGS.	
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DRAWN: JA	
DRG. No. 1096	
TYPE: PROPOSED	
CERTIFIED TRUE COPY OF ORIGINAL	
DATE: _____	
SIGNED: _____	