

Appendix 2(a)

Report of Handling

Report dated 27 September 2011 by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **27 September 2011**
Report by: **Area Manager (Planning & Building Standards)**

Application No HM/11/0332
Planning Proposal: Change of use of shop to hot food takeaway and erection of flue

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Liaquit Ali
- Location : 16 Violet Crescent
Stonehouse
Larkhall
ML9 3HZ

2 Decision

2.1 Refuse Detailed Planning Permission (For Reasons Stated)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: David Jarvie
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy RES 6 – Residential - General
Policy DM10 – Hot Food Shops Policy
Policy DM1 - Development Management

- ◆ Representation(s):
 - ▶ 230 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Stonehouse Community Council

Roads and Transportation Services (Hamilton Area)

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks approval for a change of use of a shop (Class 1) to a hot food takeaway (Sui Generis) and the installation of a flue in the rear roof slope at 16 Violet Crescent, Stonehouse.
- 1.2 The site is occupied by a single storey vacant commercial unit (formerly a hairdresser's shop) situated at the end of a small group of three terraced units located within an established residential area. The middle unit comprises a newsagent/hardware store (open 6.00 am to 6.00 pm, Monday to Sunday) and the end unit a convenience store. The application site fronts onto an area of on street parking with approximately 7 spaces. On the opposite side of Violet Crescent there is a large area of grassed open space. There is a small parking area to the rear with approximately 6 spaces, beyond which are residential properties. The proposed opening hours are 12 noon to 11pm.
- 1.3 The application site is located within an established residential area and is affected by Policies RES 6 'Residential Land Use Policy,' DM1 'Development Management Policy' and DM10 'Hot Food Shops Policy' of the South Lanarkshire Local Plan.
- 1.4 Planning permission was previously refused at the site (reference HM/10/0477) for a change of use of class 1 to hot food takeaway and erection of flue on 15 December 2010.

2 Consultations

- 2.1 **Environmental Services** – Following clarification, Environmental Services referred to their previous comments in relation to planning application HM/10/0477. In this respect, it was highlighted that due to the roof ridge height of the shop being substantially lower than the two storey residential properties in close proximity to it, there is potential for odour nuisance and/or noise to result from cooking smells, vapours, airborne pollutants or noise generated from the ventilation system. Accordingly the proposed method of ventilation should be submitted to and approved in writing by the Planning Authority. In this regard the takeaway should not be brought into use until the ventilation system(s) are operational in accordance with the approved details.

With regards to waste aspects, the available space at the rear of the property is limited. Accordingly, prior to the development being brought into use, details of the storage of waste arising from the commercial activity should be submitted to and approved in writing by the Council. In addition the agreed details must be in place prior to the development being brought into use. Finally concerns are raised regarding the size of the unit as it could be difficult to provide adequate working

space to allow for the hygienic performance of all operations and it is advised that the applicant should contact Environmental Services.

Response: Noted. The historical comments relative to the potential for odour nuisance are particularly relevant to the determination of this application given the negative impact such aspects can have on the amenity of a locality.

2.2 **Roads and Transportation Services** – No objection as there appears to be sufficient car parking in a lay by at this location.

Response: Noted

2.3 **Stonehouse Community Council** – Object to the proposal as it is contrary to policies DM1 and DM 10 of the local plan. In particular highlight that collectively these policies aim to protect residential amenity by resisting development that: (1) would have a significant impact on the local environment, (2) does not respect the local context or (3) have a significant or adverse impact on visual amenity and air quality. It is also emphasized that collectively increased road traffic, noise, disturbance/anti-social behaviour and smell are likely to impact significantly on neighbouring residential properties contrary to the provisions of policy DM10.

Response: Established hot food takeaways have specific environmental characteristics which would be particularly noticeable in residential areas where such uses do not exist. As a result their impact can be to a material extent. In this respect Policies DM1 and DM10 of the South Lanarkshire Local Plan have been formulated to protect such areas from adverse environmental conditions. Further comments in this respect are detailed below in paragraph 4.

3 Representation(s)

3.1 Statutory Neighbour Notification was undertaken and the proposal was advertised in the local press due to the scale or nature of the operations. Following this publicity 230 letters of objection were received.

3.2 The grounds of objection are summarised as follows:-

(a) **Litter and noise generated by a takeaway would have a detrimental effect on surrounding residential environment. In addition there would be disturbance to patients of Stonehouse hospital.**

Response: I note the objectors concerns regarding the possibility of increased nuisance from litter, noise and increased traffic. In this connection it is recognized that a hot food takeaway has the potential to attract traffic, the volume of which can be substantial at peak trading times. In this instance however, given that there are no residential properties on the opposite side of the proposed hot food takeaway or indeed along the frontage of this section of Violet Crescent, it is considered that the impact of increased traffic is likely to be minimal on neighbouring residential dwellings. Notwithstanding this, it is considered that the proposal will have an adverse impact on the amenity of the area because the proposal has serious potential to introduce

odours/cooking fumes etc into a residential environment where none presently exist (see paragraph (c) below). Additionally it is considered that in this instance the granting of a hot food outlet at this location would contribute to an unsatisfactory balance between retailing and non retailing uses within this area.

(b) The takeaway will be open long hours/exacerbation of anti-social behaviour/vandalism.

Response: Whilst the proposed takeaway is likely to generate additional customers to the shop there is no guarantee that this will automatically result in such behaviour. In any event if this did occur it would be a matter for the Police to deal with rather than the planning process. Accordingly this is not a material planning consideration in the assessment of this planning application.

(c) Unsightly appearance of flue and associated smells and adverse impact on the appearance of the property.

Response: With regards to impact on amenity in terms of cooking smells, the applicant proposes to install an extraction system which will have to comply with the requirements of Environmental Services. Such ventilation systems however are installed for the health and well being of staff and are designed to discharge and expel cooking fumes, odours etc away from the cooking area/equipment to an external environment. I accept that such modern ventilation systems do incorporate a number of filters and other devices to contain or neutralise odours, grease etc but they do depend on regular maintenance operations and good management practice. In addition based on experience, I am of the view that ventilation systems do not contain all odours and therefore on the balance of probability it is very unlikely that the hot food establishment will be odourless. This, along with the concerns expressed by Environmental Services regarding the physical surrounds of the shop (roof being lower than the neighbouring two storey houses) persuades me that the proposal has serious potential to introduce odours/cooking fumes etc into a residential environment where none presently exist. On this basis I am of the view that there will be an adverse impact on residential amenity.

(d) The proposal will exacerbate parking problems and increase the volume of traffic.

Response: There is off street parking associated with the existing retail units and on this basis Roads and Transportation Services, who were consulted on the proposal, raised no concerns in this regard.

(e) No neighbour notification was received however property looks directly onto the proposed site and the proposal has a direct affect.

Response: The neighbour notification procedure, which included a related press advert was carried out in accordance with statutory requirements.

Indeed only those properties that are within 20 metres of the site have a statutory obligation to be notified.

4 Assessment and Conclusions

- 4.1 The applicant seeks approval for a change of use of a shop (Class 1) to hot food shop takeaway (Sui Generis) and the installation of a flue at 16 Violet Crescent, Stonehouse. The determining issues in the consideration of this application are its compliance with the South Lanarkshire Local Plan and its impact on the amenity of the adjacent properties.
- 4.2 The application site is located within a designated residential area in the South Lanarkshire Local Plan and is affected by Policy RES6 'Residential Land Use Policy.' Policy RES6 establishes that within residential areas, the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. In particular, the Council will not approve 'bad neighbour' uses which may by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety be detrimental to residential areas. The policy also acknowledges that developments of an ancillary nature may be acceptable and each application will be judged on its own merits with particular consideration given to the impact on residential amenity, proposed servicing and parking arrangements and an assessment of the contribution of the proposal to meeting an identified local need.
- 4.3 The application site is located in close proximity to several existing residential properties. One of the characteristics of hot food shops is that they expel cooking fumes to the outside environment and consequently odours are an undeniable feature of such shops. On this basis it is considered that the introduction of a hot food operation at this location would be inappropriate and would have an adverse impact on residential amenity due to the introduction of new elements such as odours etc to a location where they do not exist at present. It is therefore considered that the proposed development is contrary to the provisions of Policy RES6 of the South Lanarkshire Local Plan.
- 4.4 Policy DM1 'Development Management Policy' of the Local Plan establishes that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In this respect I am of the view that the proposal does not reflect the existing local context because the area is predominately occupied by residential properties and there are no other 'bad neighbour' developments in the immediate area. Overall it is considered that the proposal would result in a significant adverse impact on the amenity of the established residential area, contrary to the provisions of Policy DM1.

- 4.5 Policy DM10 Hot Food Shops Policy' of the Local Plan establishes a general presumption against hot food take-aways in residential areas unless all the criteria in Part 2 'Single Shops/Small Grouping of Shops' of the policy are met. The planning application site comprises one of three units at Violet Crescent. One of the units comprises a newsagent and the other a convenience store. The shops primarily provide local shopping needs/requirements and the loss of one unit (33 % of the total) has potential to undermine the vitality and viability of the other two units given that hot food establishments primarily trade in the evening and there would be a reduction in footfall traffic during normal opening hours. On this basis it is considered that an adequate level of shopping provision covering a range of shopping needs would not exist at this location should consent be issued, contrary to the provisions of Part 2 (a) of Policy DM10.
- 4.6 In relation to the marketing of the unit, the applicant's agent has been unable to demonstrate that there is no local need for a Class 1 use and that the property has been marketed for an appropriate period of time to the Council's satisfaction. In addition there are no alternative shopping facilities near the site. Again it is therefore considered that the proposal does not satisfy the criteria established in Part 2 (b) and (c) of Policy DM10. In addition, it is considered that the amenity of the neighbouring residential properties would be significantly affected by the proposed development due to their proximity to the application site, contrary to the provisions of Part 2(d) of Policy DM10. Subsequently, even if the property had been marketed in appropriate terms it is still considered that for reasons relating to amenity considerations the proposal does not comply with Policy DM10 of the adopted Local Plan.
- 4.7 In terms of consultations, Roads and Transportation Services have advised that they have no objection to the proposed development. Environmental Services however have commented that there is potential for odour nuisance and/or noise to result from cooking smells, vapours, airborne pollutants or noise generated from the ventilation system. It is considered in this instance that the proposed development is unacceptable due to the potential for odour from the hot food shop and the adverse negative impact this could have on existing neighbouring residential properties.
- 4.8 With regards to the representations received these aspects have been considered in detail in section 3 of this report. In this regard I do accept that the concerns relating to residential amenity merit support from a planning point of view and whilst some of the concerns raised can not be sustained from a planning perspective, the amenity concerns are of sufficient weight and merit to justify the refusal of consent.
- 4.9 Overall it is considered that the proposed development would be contrary to the provisions of the South Lanarkshire Local Plan and would be to the detriment of the residential amenity of the area. Furthermore there are no other material considerations of sufficient weight or merit to set aside local plan policy. Subsequently, it is considered that planning permission should be refused.

5 Reason for Decision

- 5.1 The proposed development is contrary to the provisions of Policies RES6, DM1 and DM10 of the South Lanarkshire Local Plan.

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ HM/10/0477

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2010
- ▶ Neighbour notification letter dated 2 August 2011
- ▶ Press advertisement, dated 11 August 2011

- ▶ Consultations
 - Environmental Services 20/09/2011
 - Roads and Transportation Services (Hamilton Area) 04/08/2011
 - Stoneho use Community Council 16/08/2011

- ▶ Representations
 - Representation from : Mrs Donna Bryson , Spittal Lodge
Stonehouse
ML9 3PS, DATED 22/08/2011
 - Representation from : Allan Cuthbertson , 24 Violet Crescent
Stonehouse
ML9 3HZ, DATED 22/08/2011
 - Representation from : Fiona Guthrie , 24 Violet Crescent
Stonehouse
ML9 3HZ, DATED 22/08/2011
 - Representation from : E H Miller, 67 Strathaven Road

Stonehouse
ML9 3JP, DATED 22/08/2011

Representation from : David Smith , 66 Patrickholm Avenue
Stonehouse
ML9 3HR, DATED 22/08/2011

Representation from : Andrew Smith , 96 Patrickholm Avenue
Stonehouse
ML9 3HR, DATED 22/08/2011

Representation from : Mary Smith , 96 Patrickholm Avenue
Stonehouse
ML9 3HR, DATED 22/08/2011

Representation from : Linda Park , 2 Sutherland Avenue
Stonehouse
ML9 3JW, DATED 22/08/2011

Representation from : Gary Moore, 65 Camnuthan Street, Stonehouse, ML9 3NQ,
DATED 22/08/2011

Representation from : Mrs Wilson, 7 Marleyhill Avenue
Stonehouse, DATED 22/08/2011

Representation from : Pete Johnson, 192 Murray Drive
Stonehouse, DATED 22/08/2011

Representation from : Owner/Occupier, 4 Ness Gardens
Larkhall
, DATED 24/08/2011

Representation from : Stephen Neill , 3 Kirk Court
Stonehouse
ML9 3GA, DATED 24/08/2011

Representation from : Philip Holton , 29 Merrick Drive
Stonehouse
ML9 3JX, DATED 24/08/2011

Representation from : M McGuigan, 4 Green Street
Stonehouse , DATED 24/08/2011

Representation from : Margaret Murray, 23 Green Street
Stonehouse
ML9 3LW, DATED 24/08/2011

Representation from : Leigh Payne, 8 Rock Gardens
Stonehouse
ML9 3RE, DATED 24/08/2011

Representation from : Jacqueline Barne, 16 Caledonian Avenue
Stonehouse, DATED 24/08/2011

Representation from : S Wilson , 85 Strathaven Road
Stonehouse
ML9 3JP, DATED 24/08/2011

Representation from : Frank Robb, 16 Caledonian Avenue
Stonehouse , DATED 24/08/2011

Representation from : C Robertson , 4 Lockhart Street
Stonehouse, DATED 24/08/2011

Representation from : Christine Reid , 141 Murray Drive
Stonehouse, DATED 24/08/2011

Representation from : Robin Park , 2 Sutherland Avenue
Stonehouse
ML9 3JW, DATED 22/08/2011

Representation from : Linda Park , 2 Sutherland Avenue
Stonehouse
ML9 3JW, DATED 22/08/2011

Representation from : Margaret Fleming , 32 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Jade Fleming , 32 Marleyhill Avenue, DATED 22/08/2011

Representation from : Barry Fleming , 32 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Jacqueline Russell , 24 Marleyhill Avenue
Stonehouse, DATED 22/08/2011

Representation from : Gwen McMurdo, 6 Glenburn Avenue
Stonehouse
ML9 3JA, DATED 22/08/2011

Representation from : William McMurdo , 6 Glenburn Avenue
Stonehouse
ML9 3JA, DATED 22/08/2011

Representation from : M Holden , 1 Avon View
Stonehouse , DATED 22/08/2011

Representation from : Breze Bentley , 8 Glenburn Avenue
Stonehouse, DATED 22/08/2011

Representation from : Taylor Bentley , 8 Glenburn Avenue
Stonehouse , DATED 22/08/2011

Representation from : Danielle Bentley , 8 Glenburn Avenue
Stonehouse, DATED 22/08/2011

Representation from : Mrs H Smith , 17 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : David A Burns , 83 Strathaven Road
Stonehouse , DATED 22/08/2011

Representation from : John Dunn , 41 Strathaven Road
Stonehouse
ML9 3EN, DATED 22/08/2011

Representation from : Anne Marie Dunn , 41 Strathaven Road
Stonehouse
ML9 3EN, DATED 22/08/2011

Representation from : Laura Dunn , 41 Strathaven Road
Stonehouse
ML9 3EN, DATED 22/08/2011

Representation from : Jordan Smith , 65 Strathaven Road
Stonehouse
ML9 3JP, DATED 22/08/2011

Representation from : George Smith , 65 Strathaven Road
Stonehouse
ML9 3JP, DATED 22/08/2011

Representation from : Carol Smith , 65 Strathaven Road
Stonehouse
ML9 3JP, DATED 22/08/2011

Representation from : Mrs V Clark , 13 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Mr William McAulay , 15 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Mr J Smith , 17 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Mrs Mary McAulay , 15 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Miss Irene McAulay , 15 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Miss Kelly Anne Moody , 17 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Mr Ryan Moody , 17 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Mr J McAulay , 48 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Mr Jamie McAulay , 48 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 22/08/2011

Representation from : Mrs M Graham , 6 Glen View
Stonehouse , DATED 22/08/2011

Representation from : B Graham, 6 Glen View
Stonehouse , DATED 22/08/2011

Representation from : Richard Muir , 86 Camnethan Street
Stonehouse
ML9 3NE, DATED 22/08/2011

Representation from : Myra McNiven , 25 Union Street
Stonehouse , DATED 22/08/2011

Representation from : Charles Smith , 25 Union Street
Stonehouse
, DATED 22/08/2011

Representation from : John Stnettle, 28 St Ninians Place
Stonehouse
ML9 3ES, DATED 22/08/2011

Representation from : Andrew Gilmour, 37 Kane Place
Stonehouse
ML9 3NR, DATED 22/08/2011

Representation from : Mrs Teevan , 117 Camnethan Street
Stonehouse , DATED 22/08/2011

Representation from : K McIntosh , 9 Sorbie Drive
Stonehouse, DATED 22/08/2011

Representation from : Dayle Batty , 8 Glenburn Avenue
Stonehouse
ML9 3JA, DATED 22/08/2011

Representation from : Liz Waddell , 124 Murray Drive
Stonehouse
ML9 3NT, DATED 24/08/2011

Representation from : Chris Pane, Rock Gardens
Stonehouse , DATED 24/08/2011

Representation from : Laura Millar, 2 Hawkwood Way
Stonehouse
ML9 3JX, DATED 24/08/2011

Representation from : Carol Laird, 12 Secaurin Avenue
Stonehouse, DATED 24/08/2011

Representation from : Brian Dunsmore, 106 Murray Drive
Stonehouse, DATED 24/08/2011

Representation from : Linda Johnson , 173 Murray Drive
Stonehouse, DATED 24/08/2011

Representation from : Jamie Graham, 5 Udstonmill Road
Stonehouse
ML9 3JL , DATED 24/08/2011

Representation from : C Jamieson, 8 Rhymiebank
Stonehouse, DATED 24/08/2011

Representation from : Ian Thomson, 159 Murray Drive
Stonehouse
, DATED 24/08/2011

Representation from : Barry Wilson , 10 Bickerton Wynd
Blackwood
ML11 9GT , DATED 24/08/2011

Representation from : Malcolm Russell, 14 Trongate
Stonehouse, DATED 24/08/2011

Representation from : Janette Thomson , 159 Murray Drive
Stonehouse, DATED 24/08/2011

Representation from : Lee Robinson , 124 Murray Drive
Stonehouse, DATED 24/08/2011

Representation from : Scott Waddell , 124 Murray Drive
Stonehouse , DATED 24/08/2011

Representation from : Lyndsey Gavin , 31 Marleyhill Avenue
Stonehouse
ML9 3JQ, DATED 24/08/2011

Representation from : Miss Boland, 4 Ringwell Gardens
Stonehouse
ML9 3QW , DATED 24/08/2011

Representation from : Gordon Wylie-Black, 9 King Street
Stonehouse, DATED 24/08/2011

Representation from : Carol Hynes , 98 Camnethan Street
Stonehouse
ML9 3NE , DATED 24/08/2011

Representation from : Melissa Barnes , 100 Glen Avenue
Larkhall , DATED 24/08/2011

Representation from : Colin Edgar, 9 Sidehead Holdings

Stonehouse, DATED 24/08/2011

- Representation from : Ian McGhie, 22 Caledonian Avenue
Stonehouse, DATED 24/08/2011
- Representation from : Alan Richardson, 2 Lanrigg View
Stonehouse
ML9 3HS, DATED 24/08/2011
- Representation from : Rachel Millar, 2 Davidson Gardens
Stonehouse
ML9 3HF , DATED 24/08/2011
- Representation from : Jamie McAulay , 48 Marleyhill Avenue
Stonehouse , DATED 22/08/2011
- Representation from : L Campbell , 11 Union Street
Stonehouse , DATED 22/08/2011
- Representation from : Andrew Millar , 27 Marleyhill Avenue
Stonehouse , DATED 22/08/2011
- Representation from : G Ali , 35 King Street
Stonehouse
ML9 , DATED 22/08/2011
- Representation from : Matthew Fleming , 16 Lanrigg View
Stonehouse
ML9 3HS, DATED 22/08/2011
- Representation from : Jonathan Hendry , 48 Kane Place
Stonehouse , DATED 22/08/2011
- Representation from : Gillian Wilson , 6 Strutherland Avenue
Stonehouse
ML9 3JW, DATED 22/08/2011
- Representation from : Andrew Wilson , 6 Sutherland Avenue
Stonehouse
ML9 3JW, DATED 22/08/2011
- Representation from : Kirsten Skinner, 22 Marleyhill Avenue
Stonehouse
ML9, DATED 22/08/2011
- Representation from : Stephen Mather , 10 Marleyhill Avenue

Stonehouse
ML9 , DATED 22/08/2011

Representation from : Fiona Cuthbertson , 10 Marleyhill Avenue
Stonehouse , DATED 22/08/2011

Representation from : Paul McNab , 15 Spinningdale
Stonehouse
ML9 3QS, DATED 22/08/2011

Representation from : Owner/Occupier, 134 Murray Drive
Stonehouse
ML9 3HH, DATED 22/08/2011

Representation from : Anne Mather, 10 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : Alix Mather, 10 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : Kathleen Burns, 7 Dunside Way
Stonehouse, DATED 24/08/2011

Representation from : Habibg Ali, 3 -5 King Street
Stonehouse
ML9 3EQ, DATED 24/08/2011

Representation from : Munzar Qateel, 3 -5 King Street
Stonehouse
ML9 3EQ , DATED 24/08/2011

Representation from : Kasaif Setai , 3-5 King Street
The Cross
Stonehouse
ML9 3EQ, DATED 24/08/2011

Representation from : Sian Kedward, 27 Lawrie Street
Stonehouse, DATED 24/08/2011

Representation from : Stuart Gallacher , 27 Lawrie Street
Stonehouse, DATED 24/08/2011

Representation from : Lee Brady , 169 Murray Drive
Stonehouse, DATED 24/08/2011

Representation from : Robert Shand, 84 Camnethan Street

Stonehouse
ML9 3NE, DATED 24/08/2011

Representation from : Alan Perry , 11 New Street
Stonehouse
ML9 3LT, DATED 24/08/2011

Representation from : William Murphy , 92 Lockhart Street
Stonehouse, DATED 24/08/2011

Representation from : Linda Ramage, 7 Cander Avenue
Stonehouse
, DATED 24/08/2011

Representation from : Stuart Alder, Woodlea
Netherburn Road
Netherburn
Larkhall , DATED 24/08/2011

Representation from : Susan MacFarlane, 66 Lochart Street
Stonehouse
ML9 3LZ, DATED 24/08/2011

Representation from : M McCormick, 66 Lockhart Street
Stonehouse
ML9 3LZ, DATED 24/08/2011

Representation from : Joanne McMann , 10 Wellbrae
Stonehouse
, DATED 24/08/2011

Representation from : David Russell , 19 St Ninians Place
Stonehouse
ML9 3ES , DATED 24/08/2011

Representation from : Mark Dunn , 41 Strathaven Road
ML9 3EN , DATED 24/08/2011

Representation from : Stuart Maitland, 19A Millar Street
Glassford, DATED 24/08/2011

Representation from : Stuart Lennox, 65 Strathaven Road
Stonehouse
ML9 3JP, DATED 24/08/2011

Representation from : Kimberly Smith, 65 Strathaven Road

Stonehouse
ML9 3JP, DATED 24/08/2011

Representation from : Richard Forsyth, 30 Newfield Gardens
Stonehouse
ML9 3JR, DATED 24/08/2011

Representation from : Magret Wilson, 5 Kane Place
Stonehouse, DATED 24/08/2011

Representation from : Richard Forsyth, 30 Newfield Garden
Stonehouse, DATED 24/08/2011

Representation from : Julie Douglas, 30 Newfield Garden
Stonehouse
ML9 3JR, DATED 24/08/2011

Representation from : William Addison, 5 Kane Place
Stonehouse, DATED 24/08/2011

Representation from : Margaret McNeilly, 29 Lockhart Street
Stonehouse
ML9 3LY, DATED 24/08/2011

Representation from : C Thomson, 25 Burns Wynd
Stonehouse, DATED 24/08/2011

Representation from : Ashley Queen, 44 King Street
Stonehouse
ML9 3EF, DATED 24/08/2011

Representation from : Iain MacGregor, 36 Violet Crescent
Stonehouse
ML9 3HT, DATED 24/08/2011

Representation from : Gail Baxter, 36 Violet Crescent
Stonehouse
ML9 3HT, DATED 24/08/2011

Representation from : Elaine McGunnigal, 52 Mainsacre Drive
Stonehouse
ML9 3QH, DATED 24/08/2011

Representation from : Y Scott, 24 Spinninadale
Stonehouse, DATED 24/08/2011

Representation from : Colin Graham, 39 Lawrie Street
Stonehouse
ML9 3LN, DATED 24/08/2011

Representation from : Lisa Grant, 29 Green Street
Stonehouse
ML9 3LW, DATED 24/08/2011

Representation from : Gillian Douglas, 77 Strathaven Road
Stonehouse, DATED 24/08/2011

Representation from : Kelly Girvan, 10 Girvan Crescent
Chapelhall, DATED 24/08/2011

Representation from : Jem Girvan, 173 Keir Hardie Road
Larkhall, DATED 24/08/2011

Representation from : Nicola Hamilton, 8 Claremount Avenue
Stonehouse, DATED 24/08/2011

Representation from : Andrew Hamilton, 8 Claremount Avenue
Stonehouse, DATED 24/08/2011

Representation from : Cameron Lister, 29 Udstonmill Road
Stonehouse
ML9 3JL, DATED 24/08/2011

Representation from : John C Lawrence, 27 Green Street
Stonehouse
ML9 3LW, DATED 24/08/2011

Representation from : Andrew Mackie, 16 Merrick Drive
Stonehouse
ML9 3JY , DATED 24/08/2011

Representation from : Leanne Fleming , 16 Merrick Drive
Stonehouse
ML9 3JY, DATED 24/08/2011

Representation from : John Paul Strettle, 28 St Ninians Place
Stonehouse
ML9 3ES, DATED 24/08/2011

Representation from : M Cross , 54 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : Charlaine Cross, 54 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : William Cross , 54 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : C Reid, 54 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : Abdullah Ali , 3-5 King Street
Stonehouse
ML9 3EQ , DATED 24/08/2011

Representation from : J Cross , 54 Marleyhill Avenue
Stonehouse , DATED 24/08/2011

Representation from : Allison Kirkland , 14 Glenburn Avenue
Stonehouse
, DATED 24/08/2011

Representation from : Andrew Muir , 22 Paterson Place
Stonehouse
ML9 3HW, DATED 24/08/2011

Representation from : John Hamilton , 16 Brankston Avenue
Stonehouse
ML9 3JF , DATED 24/08/2011

Representation from : Saif Baitman Ali , 3-5 King Street
Stonehouse
ML9 3EQ, DATED 24/08/2011

Representation from : C Preston , 31 Lanrigg View
Stonehouse
, DATED 24/08/2011

Representation from : Mark Weir , 100 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : Carol Preston , 11 Leith Avenue
Stonehouse, DATED 24/08/2011

Representation from : David Heeley , 2 Hawkwood Way
Stonehouse
ML9 3JX, DATED 24/08/2011

Representation from : Anne Kirkwood, 28 Townhead Street
Stonehouse
ML9 3EL, DATED 24/08/2011

Representation from : Emma Robertson , 23 Mainsacre Drive
Stonehouse, DATED 24/08/2011

Representation from : Fraser McMann , 10 Wellbrae
Stonehouse, DATED 24/08/2011

Representation from : Ann Robertson , 23 Mainsacre Drive
Stonehouse, DATED 24/08/2011

Representation from : Colette Lister, 29 Udstonmill Road
Stonehouse
ML9 3JL, DATED 24/08/2011

Representation from : Jennifer Brown, 36 Muirhead
Stonehouse
ML9 3HQ, DATED 24/08/2011

Representation from : Anne Brown, 36 Muirhead
Stonehouse
ML9 3HQ, DATED 24/08/2011

Representation from : Colin Brown, 36 Muirhead
Stonehouse
ML9 3HQ, DATED 24/08/2011

Representation from : Marion Wilson, 91 Strathaven Road
Stonehouse
ML9 3JP, DATED 24/08/2011

Representation from : David Wilson, 91 Strathaven Road
Stonehouse
ML9 3JD, DATED 24/08/2011

Representation from : Loudon Wilson, 91 Strathaven Road
Stonehouse
ML9 3JP, DATED 24/08/2011

Representation from : William Cowie, 5 Glenburn Avenue
Stonehouse
ML9 3JA, DATED 24/08/2011

Representation from : A Cowie, 5 Glenburn Avenue

Stonehouse
ML9 3JA, DATED 24/08/2011

Representation from : Nicola Bentley, 8 Glenburn Avenue
Stonehouse, DATED 24/08/2011

Representation from : B McAulay, 48 Marleyhill Avenue
Stonehouse
ML9 3JB, DATED 24/08/2011

Representation from : Elizabeth Gilfillan, 12 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : W Gilfillan, 12 Marleyhill Avenue
Stonehouse, DATED 24/08/2011

Representation from : Sharon Gilroy , 19 Union Street
Stonehouse
ML9 3LF , DATED 24/08/2011

Representation from : Allison Millar , 53A Camnethan Street
Stonehouse
, DATED 24/08/2011

Representation from : Helen Sutherland, 7 Udstonmill Road
Stonehouse, DATED 24/08/2011

Representation from : George Mather, 5 Mauldsie Place
Ashgill , DATED 24/08/2011

Representation from : Gina Mather, 46 Marleyhill
Stonehouse, DATED 24/08/2011

Representation from : Brian Whiteford , 3 Rhymiebank
Stonehouse, DATED 24/08/2011

Representation from : Laura Hamilton , 8 Murrayside
Stonehouse
ML9 , DATED 24/08/2011

Representation from : Daniel Preston, 1L Leith Avenue
Stonehouse
, DATED 24/08/2011

Representation from : Maureen McGowan , 32 Toftcombs Crescent
Stonehouse

, DATED 24/08/2011

- Representation from : Tom Lewis , Manadag
Off Lockhart Street
Stonehouse
ML9 3LX, DATED 24/08/2011
- Representation from : Debbie Russell , 56 Brankston Avenue
Stonehouse , DATED 24/08/2011
- Representation from : Philip Baxter , 1 Hill Road
Stonehouse, DATED 24/08/2011
- Representation from : Gillian Baxter , 1 Hill Road
Stonehouse , DATED 24/08/2011
- Representation from : Iain Hilston , 13 Strathaven Road
Stonehouse
ML9 3EN, DATED 24/08/2011
- Representation from : Scott McIntosh , 9 Sorbie Drive
Stonehouse , DATED 24/08/2011
- Representation from : Daniel Hendry , 32 New Street
Stonehouse , DATED 24/08/2011
- Representation from : Scott Tedford , 38 Marleyhill Avenue
ML9 3JQ , DATED 24/08/2011
- Representation from : Andrea Tedford , 38 Marleyhill Avenue
Stonehouse
ML9 3JQ, DATED 24/08/2011
- Representation from : Stephanie Tedford , 38 Marleyhill Avenue
Stonehouse
ML9 3JQ, DATED 24/08/2011
- Representation from : James Brown , 36 Muirhead
Stonehouse
ML9 3HQ, DATED 24/08/2011
- Representation from : Muriel Melrose , 57 Camnethan Street
Stonehouse , DATED 24/08/2011
- Representation from : Mr A Strachan , 24 Kane Place
Stonehouse , DATED 24/08/2011

- Representation from : Mr Andy Figgins , High Lanrigg Farm
Sidehead Road
Stonehouse
ML9 3PD , DATED 24/08/2011
- Representation from : D Hopkins , 1 Glenburn Avenue
Stonehouse , DATED 24/08/2011
- Representation from : Lauren Sterritt , 28 Mainsacre Drive
Stonehouse
ML9 3QH , DATED 24/08/2011
- Representation from : Cary Collison , 22 Violet Crescent
Stonehouse
Larkhall
ML9 3HZ, DATED 24/08/2011
- Representation from : Neil Collison , 22 Violet Crescent
Stonehouse
, DATED 24/08/2011
- Representation from : Mrs H Howie, 87 Castlemilk Drive
Glasgow
G45 9TH, DATED 23/08/2011
- Representation from : Sharon Monteith, 60 Millgate Road
Hamilton
ML3 8JU, DATED 23/08/2011
- Representation from : Robyn Payne, 8 Rock Gardens
Stonehouse
ML9 3RE, DATED 23/08/2011
- Representation from : Gemma Monteith, 60 Millgate Road
Hamilton, DATED 23/08/2011
- Representation from : Ross Monteith, 60 Millgate Road
Hamilton, DATED 23/08/2011
- Representation from : Robert Hamilton, 61 Mainsacre Drive
Stonehouse
ML9 3QH, DATED 23/08/2011
- Representation from : Debbie Moffat, 84 Marleyhill Avenue
Stonehouse, DATED 23/08/2011

Representation from : Donna Glen, 13 Murray Drive
Stonehouse, DATED 23/08/2011

Representation from : Keith Hunt, 57 Lockhart Street
Stonehouse
ML9 3LX, DATED 23/08/2011

Representation from : Mr David Carmichael, 8 Muirhead
Stonehouse
ML9 3HQ, DATED 16/08/2011

Representation from : Mrs Norma Carmichael, 8 Muirhead
Stonehouse
ML9 3HQ, DATED 16/08/2011

Representation from : James Watson , Neuk Farm
Stonehouse , DATED 24/08/2011

Representation from : Sharon Graham, 5 Udstonmill Road
Stonehouse
, DATED 24/08/2011

Representation from : Nicola Rogers, 4 St Laurence Avenue
Stonehouse , DATED 24/08/2011

Representation from : Andrew Rogers , 4 St Laurence Avenue
Stonehouse , DATED 24/08/2011

Representation from : J Halden, 1 Avon View
Stonehouse , DATED 24/08/2011

Representation from : Rachael Thom , 156 Carlisle Road
Fernigair
Hamilton , DATED 24/08/2011

Representation from : Craig Skinner , 22 Marleyhill Avenue
Stonehouse , DATED 24/08/2011

Representation from : John McCormick , 2 Marleyhill Avenue
Stonehouse , DATED 24/08/2011

Representation from : David Burns , 83 Strathaven Road
Stonehouse , DATED 24/08/2011

Representation from : Anne Burns , 83 Strathaven Road

Stonehouse, DATED 24/08/2011

Representation from : Barbara McCormick, 2 Marleyhill Avenue
Stonehouse , DATED 24/08/2011

Representation from : Leigh Ann McCormick , 12 Glenburn Avenue
Stonehouse
ML9 3JA, DATED 24/08/2011

Representation from : Neil Ferguson , 12 Glenburn Avenue
Stonehouse
ML9 3JA , DATED 24/08/2011

Representation from : Tina Smith , 47 Bryce Gardens
Larkhall
ML9 1HQ, DATED 24/08/2011

Representation from : Irene Scott , 69 Strathaven Road
Stonehouse
ML9 3JP, DATED 24/08/2011

Representation from : Mr J Flanagan , 1 Glen View
Stonehouse
ML9 3JH , DATED 24/08/2011

Representation from : John Scott, 69 Strathaven Road
Stonehouse
ML9 3JP , DATED 24/08/2011

Representation from : Shiman Millward, 20 Newfield Gardens
Stonehouse
ML9 3Jr , DATED 18/09/2011

Contact for Further Information

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

Murray Reid
(Tel :01698 453625)
E-mail: planning@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/11/0332

REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers:
1989/1
1989/2
1989/3
1989/4
- 2 The proposal is contrary to Policy RES6 of the South Lanarkshire Local Plan in that it would introduce a bad neighbour use into a residential area and would have a significant impact on the amenity of the neighbouring residential properties through the significant intensification of noise, disturbance litter and odours/smell.
- 3 The proposal is contrary to Policy DM1 of the 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) and (d) in that it does not reflect the local context as it is located in a residential area, would be detrimental to amenity and would have a significant adverse impact on the wider environmental amenity of the area through the generation of noise, litter, disturbance and odour.
- 4 The proposal is contrary to Policy DM10 of the 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 an inadequate level of shopping provision provided at the location, the property has not been successfully marketed for a Class 1 use to the satisfaction of the Planning Authority and it would result in an adverse impact in terms of environmental, traffic and amenity considerations (e.g. noise, litter, disturbance and odour) particularly in relation to the adjacent residential properties and those residential properties surrounding the site.
- 5 In the interests of residential amenity in that the proposed hot food shop would have a significant and detrimental impact on the neighbouring dwellings in particular and the neighbourhood in general.
- 6 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.