

Appendix 7

Applicant's Comments on Further Representations Submitted by Interested Parties in the Course of the Notice of Review Consultation Process

STATEMENT ON COUNCIL'S OBSERVATIONS

1989: Proposed hot food carry out, 16 Violet Crescent, Stonehouse **Planning application ref HM/11/0332**

In response to The Statement of Observations prepared by the Council dated 3 November & the points therein.

- (1) The council states that the proposals are 'in proximity to several residential properties'. The proposals are close to **one** residential property/house. There are no residential properties to the sides the application site & there are none in front of the application site. There is the garden of an end terrace house behind. The house itself is 20 metres away. The council's observations are at best an exaggeration; one house cannot be considered several residential properties. The Statement of Observations also states that the application site is in a residential area, whilst agreeing with this it should be noted that it is at the edge of the residential area - there is no housing in front or to the sides of the application site. The statement continues 'that one of the characteristics of a hot food shop is that they expel cooking fumes to the outside environment & consequently odours are an undeniable feature of such shops'. Despite mentioning a carbon filter system in a summarisation of points raised in my appeal in their Statement of Observations their response seems to have completely forget this point. The filtration system shall neutralize over 95% of cooking odours. A carbon filter system is usually satisfactory to the council when a hot food shop, where approval has been obtained, is located on the ground floor with residential accommodation over. The council finds this satisfactory elsewhere; I can provide details of approvals in South Lanarkshire of applications that have been approved with carbon filter systems to hot food shops with residential accommodation over should the council wish. In these cases the council finds a distance of 0 metres between hot food shop & residential properties acceptable, in this case the nearest house is 20 metres away as previously stated.
- (2) The proposals are within a small group of shop units on the edge of a residential area. The area may be predominately occupied by residential properties but this not the impression one gets when at the shop units – the shop units face open ground all housing is behind the shops, the shops seem architecturally to have their back to the residential properties, they don't give the impression of having been designed to be integral to the residential community.
- (3) The council believe that the 'an adequate level of shopping provision covering a range of shopping needs would not exist at this location should consent be issued' The shop unit is vacant & has been so since the last business at this location failed. This would suggest that the level of shopping provision for retail units has already been satisfied. One of the existing shops has already diversified by selling takeaway foods – soups, sandwiches, pies, etc.,

The marketing of the unit has been done directly by the owner, the only business to come forward has been a hot food takeaway operator. The owner has many properties & is fully aware of the current market.

- (4) The council's Statement of Observations states that 'ventilation systems are primarily installed for the health & well being of staff'. A ventilation system is not designed with only that in mind, the terminal of any ventilation system & its discharge has also to be considered, CIBSE regulations/standards demand this, as will the council's Environmental Health Department. A ventilation system with carbon filters would satisfy the Environmental Health Department, at least it has done elsewhere within the South Lanarkshire. Concerns raised by the Environmental Health Department regarding the height of the discharge in relation the nearest house, 20metres away, are on the basis of an extraction system without a carbon filter system. I'm sure a carbon filter system would/does satisfy the Environmental Health Department. The system of course requires to be maintained but a maintenance programme can be produced to satisfy any condition placed on approval of the proposals, the applicant would comply fully with any conditions placed on any consent of the proposals by the Planning or Environmental Health Department.
- (5) The council state 'it is a statutory requirement that every planning application must be assessed on it's own merit'. I am in full agreement with this but I'm unsure why the council appears to contradict this by stating 'if planning consent was granted for the proposal it would set an undesirable precedent which could result in more hot food takeaways being in close proximity of residential properties, contrary to local plan policy'. I would presume that future applications would be assessed on their own merit.
- (6) Apologises for referring to the City Plan rather than the Local Plan. The council states that 'the re-opening of the shop as a class 1 use would also provide employment'. This is of course true, but the shop unit is vacant & this does not appear to be changing soon, unless approval is given for a hot food shop. Should the shop remain a retail unit it shall probably remain vacant & produce no employment what so ever.

In conclusion, our position has not changed, it is respectfully requested that the Planning Local Review Committee approve the proposed hot food take away & overturn the refusal of Planning Permission HM/11/0332.