

Report

10

Report to:	Planning Committee
Date of Meeting:	21 June 2011
Report by:	Executive Director (Enterprise Resources)

Application No	HM/11/0101
Planning Proposal:	Change of Use from Restaurant to Hot Food Take Away (Retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Khawar Javed Ali
- Location : 71 Church Street
Larkhall
ML9 1EZ

2 Recommendation(s)

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

- (1) Refuse Detailed Planning Permission (for the reasons listed)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: James Baird Associates
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy RES 6 – Residential Land Use
Policy DM1 - Development Management
Policy DM10 - Hot Food Shops

◆ Representation(s):

- ▶ 14 Objection Letters
- ▶ 2 Support Letters
- ▶ 1 Petition of Support containing 26 signatures
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Larkhall Community Council

Planning Application Report

1 Application Site

- 1.1 The application relates to a one and half storey traditional property with side extension located at 69/71 Church Street, Larkhall. The ground floor level of the property is currently being operated as an Indian take away without the benefit of planning consent. The upper floor of the property (two dormers in roofspace) is an independent flatted dwelling which is currently occupied.
- 1.2 The application site is located in a residential area to the south east of Larkhall town centre. To the west and south the site is bounded by Church Street and Wellbrae respectively immediately beyond which are residential properties. A residential property bounds the site to the east whilst the vacant Berries Hotel immediately adjoining the site to the north has planning permission for residential development.

2 Proposal(s)

- 2.1 The applicant is seeking planning permission for the retrospective change of use of a restaurant to a hot food takeaway at 71 Church Street, Larkhall. The applicant has changed the use of the premises from a restaurant which previously catered for a maximum of 32 covers to a hot food takeaway. The applicant has made no external alterations to the property (new signage excluded) however a number of internal alterations have been undertaken. The existing flue extraction system located through the rear roof of the premises is currently being used in association with the operation.
- 2.2 The proposals show the use of an existing parking bay outwith the application site off Wellbrae and the formation of 2 parking bays which take access from a lane running along the rear boundary of 69/71 Church Street again with access from Wellbrae.
- 2.3 This planning application has been submitted following refusal of an identical application in December 2010. The current application contains a supporting statement which seeks to justify the proposals.

3 Background

3.1 Local Plan Status

- 3.1.1 Within the adopted South Lanarkshire Local Plan the site is affected by Policy RES6 - Residential Land Use, Policy DM1 - Development Management and Policy DM10 - Hot Food Shops.
- 3.1.2 Policy RES6 – Residential Land Use opposes the loss of houses to other uses and resists any development that will be detrimental to the amenity of the area. In particular ‘bad neighbour’ uses will not be approved which may by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety be detrimental to residential areas.
- 3.1.3 Policy DM1 – Development Management states that all planning applications are required 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. Development should not have any significant adverse impact on the local environment and should enhance environmental quality and appearance.

3.1.4 As the proposal is for the retrospective change of use to a hot food takeaway, Policy DM10 – Hot Food Shops - is also applicable and important to the assessment of the application. Due to the sites location and character, the proposal must be assessed as being located within a residential area. Within these areas there is a general presumption against granting permission for hot food takeaways if residential amenity would be adversely affected.

3.2 Relevant Government Guidance/Advice

3.2.1 None relevant in this instance.

3.3 Planning History

3.3.1 In terms of planning history the application site has 3 previous refusals for hot food use, namely:

a) HN/82/256 – Change of use of vacant office to hot food take-away was refused planning consent by Hamilton District Council on 03 June 1982.

b) HN/85/130 – Change of use of vacant office to hot food take-away was refused planning consent by Hamilton District Council on 06 March 1985.

c) HM/10/0101 – Retrospective change of use of restaurant to hot food take away was refused consent and the initiation of enforcement proceedings agreed by South Lanarkshire Council Planning Committee on 14 December 2010.

3.3.2 In 2002 the property known as 69/71 Church Street consisted of both a house and single retail unit both were vacant. A planning application (under planning reference HM/02/0482) was submitted for a change of use of the house and shop to form a restaurant which would form part of the Berries Hotel. Consent was granted on the 29 October 2002. In 2006 the restaurant subsequently became an independent operation catering for a maximum of 32 covers. Whilst the change to an independent restaurant did not require formal planning consent the owners were advised at this time that given the residential nature of the area no element of hot food take away would be allowed from the restaurant. In addition this building has the benefit of planning permission for residential development in the form of 4 flats granted consent in May 2008 and June 2009 HM/08/0104 and HM/09/0209 respectively. A subsequent planning application, HM/11/0011, was also approved in March 2011 for the partial change of use of the hotel to a dentists surgery.

3.3.3 Prior to the submission of the previous planning application (HM/10/0101) a number of complaints were received regarding the operation of the premises as a hot food take away. Numerous investigative site inspections were undertaken in November/December 2009. Despite access being initially refused by the applicants it was established that a number of internal alterations had been undertaken and that a material change of use from restaurant to hot food take away had taken place. Accordingly correspondence was issued to the applicant requesting the submission of an application. An application was submitted in March 2010 (HM/10/0101) and subsequently refused planning consent at the Planning Committee on 14 December. Committee also agreed to the initiation of enforcement proceedings.

3.3.4 The applicant did not appeal the refusal of consent in respect of HM/10/0101 and enforcement proceedings were initiated in respect of the breach of planning control. The Planning Service initially served a Planning Contravention Notice which is required to be completed by the land owner setting out the details of who has an interest in the site and its unauthorised activities. This information is then used by

the Planning Service to ensure that Enforcement Notices are served on the correct individuals. The owner in this instance did not reply to this Contravention Notice and therefore Enforcement Notices were served on individuals which the Planning Service and others had records of having an interest in this site. The applicant subsequently appealed the service of the enforcement notices and the Scottish Enquiry Reporters Unit determined to quash the Enforcement Notices on 1 June 2011 on the basis that the correct individuals had not been served. As the appellants provided the required ownership/interest information to the Reporter, new Enforcement Notices will be served by the Planning Service shortly.

4 Consultation(s)

- 4.1 **Roads and Transportation Services:** Have stated that there is no provision for car parking on Church Street within close proximity of the application site given the property is located between 2 sets of traffic lights with parking restrictions in force. In addition fronting the property is a bus lay by with a clearway marking. They further state that although the applicants have indicated 3 parking spaces in respect of this proposal, one space is out with the site boundary and cannot be considered. The other 2 spaces are unlikely to be used by customers due to their poor location at the rear of the premises off a shared private access. Roads Service also comment that as this is a retrospective application the Service is aware of ongoing parking problems due to the existing parking restrictions on Church Street and the very limited amount of parking available. This problem is at its worst during evening and weekends when on street parking in the area is at a premium. These are the hours that hot food take aways predominantly operate. In addition given the proposal is out with the town centre retail core full parking provision would also require to be provided, this cannot be achieved. As such it is recommended that the proposed change of use be refused due to the above parking issues.

Response: Noted. These concerns will be discussed in the Assessment and Conclusion section.

- 4.2 **Environmental Services:** Have no objection to the proposal, subject to the imposition of conditions and informatives relating to ventilation, waste control, health and safety at work, food safety and noise.

Response: Noted. This will be considered in more detail in the Assessment and Conclusions section of this report.

- 4.3 **Larkhall Community Council:** No response to date

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of the proposal and the application was advertised in the local press due to the Scale and Nature of the Operations. As a result of this publicity, 14 letters of objection, 2 letters of support and a petition of support containing 26 signatures were received.

The points raised in the letters of representation are summarised as follows:

- (a) **The proposed development has increased traffic levels and parking problems to an unacceptable level with police regularly becoming involved. Wellbrae is a small dead end street which cannot accommodate the increase in parking associated with this development with access to objectors' driveways/garages constantly being blocked.**

Response: Roads and Transportation have stated that they are aware of existing parking issues at this location and that there is insufficient parking to serve the proposal. The absence of off street parking to serve the proposed development together with the sites location between two sets of traffic lights with a bus lay by located in front of it, could give rise to road safety concerns. In addition given the lack of parking provision it is acknowledged that some drivers may park irresponsibly and as a result may block access/egress to the driveway of adjoining properties generating a degree of inconvenience for residents. This demonstrates that a hot food takeaway cannot operate from this site without having an adverse impact on residential amenity or road safety.

- (b) **The appearance of the property is an eyesore unacceptable to the surrounding neighbours. The proposal is not a suitable use within a residential area. The noise, smell and rubbish generated from the premises have an adverse impact on the residential amenity of surrounding occupants inhibiting them from such simple entitlements as opening windows to allow fresh air to circulate.**

Response: Noted. Whilst it is acknowledged that the previous use was a restaurant, this operation was small scale, catering for a maximum of 32 covers. The hot food takeaway has increased the premises' late night operational hours and substantially increased late night activity creating an increase in traffic to the premises both vehicular and pedestrian. This increase in custom has undoubtedly exacerbated litter and noise levels generated by individuals, vehicles and their occupants, especially late at night when near-by residents should reasonably expect peace and quiet. Furthermore the discharge of odours has increased proportionately as a result of the high increase in the number of meals being cooked. This situation is further exacerbated by the location of the flue to the rear of the property approximately 1 metre from the roof plane and in close proximity of adjoining residential properties. In this regard it should also be acknowledged that ventilation/extraction systems installed in any property are primarily there to protect the health and welfare of staff working in the premises. As such the system is designed to expel odours outside the building and despite extensive filters etc cooking odours are discharged to the detriment of residents living in the immediate area.

- (c) **Noise levels have increased substantially with regular late evening opening well in excess of 11pm which has been reported to the police on numerous occasions. This has resulted in the premises becoming a local hang out area for teenagers with associated anti-social behavior i.e. noise disturbance, inebriation and litter. The proposal has also resulted in the back of the applicants premises being used regularly as an open air toilet. This has led to severe distress for objector's family and neighbours.**

Response: Noted. It is generally accepted that a hot food unit can result in an increase and/or intensification in late night activity/noise to a degree and extent that is unacceptable for a residential area such as the one in which the application site is located. The impact of the proposed development on the amenity of the residential properties above, adjoining and in close proximity to the application site is a very important material planning consideration which is of prime importance to the assessment of the application. Indeed the fact that the application is retrospective has provided a sound basis in which to assess the aforementioned environmental/amenity considerations. That said it

should be noted that any anti social behaviour is a matter more appropriately addressed by the Police rather than the Planning Service.

(d) The proposal is contrary to adopted local plan policy

Response: Noted. It is accepted that the proposal has already been fully assessed during the consideration of the previous planning application submitted and found to be contrary to the relevant policies contained in the adopted South Lanarkshire Local Plan. This concern will be discussed in more detail in the Assessment and Conclusion section of this report.

(e) The hot food shop use has been refused consent and continues to operate without permission in addition the premises frequently open well beyond 11pm.

Response: The application for retrospective consent was refused at the Planning Committee on 14 December 2010 under planning reference HM/10/0101 and the initiation of enforcement proceedings agreed. As indicated in paragraph 5.3.4 further Enforcement Notices will be served however if these are appealed then the appeal process requires to be concluded before further appropriate action can be initiated. Whilst it is acknowledged that allegations have been made that the premises are regularly opened well past 11pm causing nuisance and inconvenience to nearby residents, any concerns relating to licensing matters must be pursued separately from this planning application.

(f) Numerous Hot Food shops already exist within Larkhall Village Centre which is within close proximity to the application site. A hot food take away at this location is unnecessary and will exacerbate the overprovision which already exists. In addition the Madras is unsuitably located and as a result there have been several near accidents, public safety must come first.

Response: Noted. It is accepted that the area is already well served by a variety of hot food establishments which primarily exist in the town centre. The over provision of such premises however, is not in itself a material planning consideration and is a matter for the 'market' to deal with. Commercial competition is also not a relevant material consideration in determining a planning application and as such should not influence the determination of this application. Roads & Transportation Services are aware of parking issues at this location and concur that a hot food take away business at this location is unacceptable.

It should also be noted that in addition to the 14 letters of objection received, 2 individual letters of support and a petition of support containing 26 signatures have also been received in respect of the proposal.

One letter of support is from the occupier of the flat above the unauthorised take away. The occupier states that she has no concerns or objection to the continued use of the hot food takeaway. The other letter of support is from a local resident.

Of the 26 signatures on the petition of support, none are immediate neighbours to the application site. All lie outwith the immediate vicinity or are far enough removed from the application site that if the proposal were to be granted it would not impact negatively on their residential amenity.

5.2 All of the above letters have been copied and are available for inspection in the usual manner and on the Council's Planning Portal.

6 Assessment and Conclusions

6.1 The applicant is seeking planning permission for the retrospective change of use of a restaurant (Class 3) to a hot food takeaway (Sui Generis) at 71 Church Street, Larkhall. The main planning considerations in determining the application are:

- ▶ it's compliance with local plan policy and in particular its impact on residential amenity in relation to residential properties adjacent to, above and in close proximity to the site, and
- ▶ it's impact of the proposal in regard to traffic and public safety considerations.

In addition, the history of previous uses on the site is also a material consideration

6.2 The justification statement submitted by the applicant must also be taken into consideration. The points raised in this statement are summarised below:

- a) Property lies within a mixed use area not a residential area as it is located between a vacant hotel and betting office (located across the road)
- b) Restaurant has been operating hot food sales since 2003
- c) Environmental Services did not object to the application in respect of noise, smell, ventilation, waste etc
- d) There is sufficient parking to service the proposal on Church Street, to the rear of the premises and on Wellbrae Street.
- e) In respect of Policy DM10 the proposal should be assessed against subsection 2 – Single Shops/Small Grouping of Shops not subsection 3 – Residential/Industrial Areas.
- f) A number of the letters of representation in respect of the previous application were from competing business interests only 2 were from neighbouring residents.

The above points will be discussed in the following assessment.

6.3 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997(as amended) all planning applications must be determined in accordance with the Development plan unless material considerations indicate otherwise. The applicant is of the view that the property lies within a mixed use area. However although the application site is located on the main through route of the town located within close proximity to Larkhall shopping centre, the area is predominantly residential in nature and even the former Berries Hotel has an extant consent for residential purposes. The terms of adopted Local Plan reflects this fact and identifies the application site as being located within a designated residential area. As such the application must be assessed against Policy RES6 which states that 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 in planning terms include hot food takeaways) which may by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety be detrimental to residential areas.

6.4 Although the proposal does not involve the loss of a house, the proposed change of use cannot be supported in policy terms. The creation of a hot food takeaway at this location would have an adverse impact upon the existing levels of residential amenity for the adjoining and adjacent dwellings, the flatted property above the unit and the properties in close proximity. A number of these properties have already been adversely affected by an increase in noise, smell and nuisance late into the evening. In addition, the additional generation of smell/odours as a result of increased on site

cooking within the premises, and an increase in traffic generation due to the frequent turnover of custom, has also affected residents. All three of these factors either individually or collectively would result in a material and unacceptable level of disturbance. This would severely impact upon, and reduce to an unacceptable extent, the level of amenity afforded to the occupants of the adjoining dwelling, the flatted property above the site and the properties in close proximity. As such the proposal is considered contrary to Policy RES6 of the adopted South Lanarkshire Local Plan.

- 6.5 Policy DM1- Development Management - must also be taken into consideration. This policy establishes that all planning applications must 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. After careful consideration of the proposal it is considered that the introduction of a hot food takeaway use at this location, which is residential in character with minimal commercial activity within the immediate area, would introduce a non conforming use in a residential area that would generate and impose negative environmental and amenity issues upon the surrounding residents. The increased cooking on the premises would exacerbate adverse odours and smells, and the associated noise and disturbance generated by customers going to and from the shop until late in the evening. The general increase in activity in proximity to the premises would create adverse amenity issues for neighbouring residents. In this respect it is considered that the proposal does not reflect the existing local context and would result in a significant adverse impact on the amenity of the established residential area, contrary to the provisions of Policy DM1.
- 6.6 In addition Policy DM10 – Hot Food Shops - of the adopted local plan contains a specific presumption against granting consent for hot food takeaways within residential areas. Given this is a retrospective application and the residential amenity of the surrounding residential properties has been significantly affected by the proposal due to their proximity to the application site and absence of any other late night commercial activity within this residential area other than the unauthorised hot food take away, it is considered that the introduction of a hot food takeaway at this location is contrary to this policy.
- 6.7 In relation to impact on traffic and public safety, Roads and Transportation Services have recommended that the proposed change of use be refused as there is insufficient car parking associated with the property. Although the applicant's have indicated 3 parking spaces in respect of this proposal, one space is outwith the site boundary and cannot be considered. The other 2 spaces are unlikely to be used by customers due to their poor location to the rear of the premises off a shared private access and will probably be used by staff. In addition the property is located on the main through route of Larkhall between 2 sets of traffic lights with a bus lay by located directly in front of the property. The only parking available is on street parking within Wellbrae which is a small no through road serving residential properties. Given the location of the premises, the position of the bus bay to the front and the limited on street car parking, together with the high turn around of cars associated with customers of hot food shops, I am of the opinion that the proposed use would encourage more vehicles to park on the street. This could prejudice the safe and free flow of traffic and would lead to a number of road safety and parking concerns for both vehicles and pedestrians.
- 6.8 Whilst Environmental Services have not objected to the proposal subject to the attachment of appropriate conditions and informatives, it is important to acknowledge that ventilation systems associated with hot food establishments are installed primarily to protect the health and well being of staff rather than for the protection of the local environment/amenity. As a result odours are discharged externally which

can have a detrimental impact on the amenity of an area, particularly if the area is residential in nature. The retrospective nature of this application together with the number of objections from local residents has provided a sound basis which confirms the aforementioned environmental/amenity concerns.

- 6.9 The impact of the proposed change of use on the amenity of the residential properties nearby the application site is a material planning consideration. Fourteen letters of representation have been received the points of which have been summarised in Section 3 of the report. After full consideration it is considered that the issues and concerns raised by the surrounding residents are relevant to the determination of the application and merit support in this instance. Whilst 2 letters of support and a petition of support containing 26 signatures have also been received only one property is located within the immediate vicinity. The others are far enough removed that, if approved, the proposal would have no adverse impact on their residential amenity.
- 6.10 In terms of the history of the current application site the Council has previously refused planning consent three times for a hot food use at this location, the most recent being in December 2010. It is considered that there has been no material change in circumstances to merit a change in the Council's position.
- 6.11 It is accepted that the site is located on the main through route of the town and was previously a restaurant, first associated with the Berries Hotel (from 2002 – 2006) then from 2006 as an independent operation. The fact remains however that the area is residential in nature with no other late night commercial premises (except the application site) within the vicinity. The adjoining Berries Hotel which has been vacant for a prolonged period now has consent for further residential development.
- 6.12 In addition to the above there are significantly different characteristics between a hot food shop and restaurant. Indeed this is recognised in the Town and Country Planning Use Classes Order which purposely places them within different use class categories. This is due to their fundamentally different environmental impact and amenity characteristics. A take away generates a higher turnover of customers, necessitates a higher level of cooking and as such increased odours. In addition it is common practice for litter to be indiscriminately discarded in locations beside hot food shops and whilst a refuse disposal receptacle could be provided, experience elsewhere of similar establishments to that proposed suggest that litter issues can be exacerbated by hot food establishments. This can have a serious and detrimental impact on the attractiveness of the general amenity of the area.
- 6.13 Given the above it is considered that the proposal for retrospective change of use from a restaurant to a hot food takeaway would be contrary to the provisions of the adopted South Lanarkshire Local Plan and would be to the detriment of the residential amenity of the area. The 1997 Planning Act (as amended) clearly advocates that applications must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In this instance there are no other material considerations of sufficient weight or merit to set aside local plan policy and no justification has been provided for a departure to planning policy. Subsequently on the basis of local plan policy and adverse impact in relation to roads and pedestrian safety it is recommended that planning permission be refused.

7 Reasons for Decision

- 7.1 The proposed development does not comply with Policies RES6, DM1 and DM10 of the adopted South Lanarkshire Local Plan and it is considered that the proposal

would have an adverse impact on the surrounding residential area, particularly in terms of the amenity of the residential properties in close proximity to the application site. The proposal would also be detrimental to road safety in the area.

Colin McDowall
Executive Director (Enterprise Resources)

7 June 2011

Previous References

- ◆ HM/10/0101 – Retrospective Change of use of restaurant to hot food take away
- ◆ HM/02/0482 – Change of use of shop and house to form restaurant and extension to public house.
- ◆ HN/82/256 – Change of use of vacant office to hot food take-away
- ◆ HN/85/130 - Change of use of vacant office to hot food take-away

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour notification certificate dated 15 March 2011
- ▶ Press advertisement, Hamilton Advertiser, 24 March 2011
- ▶ South Lanarkshire Local Plan
- ▶ Justification Statement

- ▶ Consultations

Roads and Transportation Services (Hamilton Area) 01/04/2011

Environmental Services 22/03/2011

- ▶ Representations

Representation from : Sonny McCulloch, 2 Wellbrae, Larkhall, ML9 2ES, DATED 01/04/2011

Representation from : Lynn Cunningham, via email DATED 06/04/2011

Representation from : Gary and Sharis Pheonix, 3 Wellbrae, Larkhall, ML9 2ES, DATED 05/04/2011

Representation from : David Hassan, 11 John Street, Larkhall, ML9 2ET, DATED 04/05/2011

Representation from : Don MacLean, 13 John Street, Larkhall, ML9 2ET, DATED 04/05/2011

Representation from : Emily Lambie, 1 Wellbrae, Larkhall, ML9 2ES, DATED 04/05/2011

- Representation from : Mrs M. Kelly, 42 Marshall Street, Larkhall, ML9 2HD,
DATED 05/04/2011
- Representation from : Lorraine Glancy, 24 Landsown Road, Larkhall, ML9 2LB,
DATED 09/05/2011
- Representation from : Isobel Murdoch, 3 Drygate Street, Larkhall, ML9 2AJ,
DATED 09/05/2011
- Representation from : Ifran Ahmed, Seven Spice's, London Street , Larkhall,
DATED 20/05/2011
- Representation from : Chois, Union Street , Larkhall, DATED 18/05/2011
- Representation from : Paul Singh, Original India, Union Street , Larkhall, DATED
17/05/2011
- Representation from : Sunrise Restaurant, Church Street, Larkhall, DATED
17/05/2011
- Representation from : Mr Ahmed, Eat Fresh, Union Street, Larkhall, DATED
17/05/2011
- Representation from : A. Mohammed, Tandoori, Raploch Street, Larkhall, DATED
17/05/2011
- Representation from : Mr Malik, All In One, Union Street, Larkhall, DATED
17/05/2011
- Representation from : Taste Of India, Union Street , Larkhall, DATED 17/05/2011

Contact for Further Information

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

Christina Laird, Planning Officer, Brandon Gate, Hamilton
Ext 3513 (Tel : 01698 453513)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

REASONS FOR REFUSAL

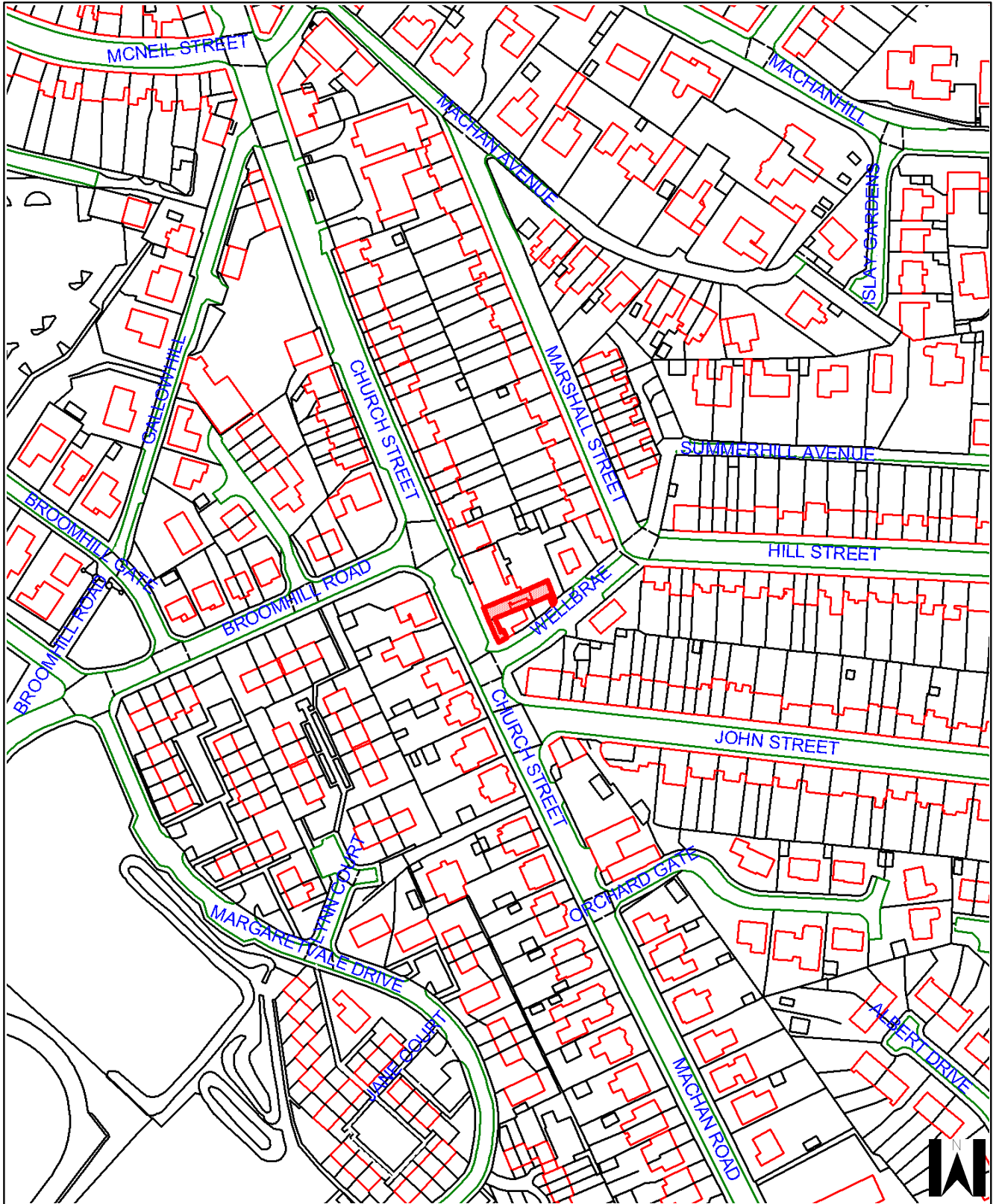
- 1 This decision relates to drawing numbers:832/01
- 2 The proposal is contrary to Policy RES6 of the adopted South Lanarkshire Local Plan in that it would introduce a bad neighbour use into a residential area which would have an adverse impact upon the existing level of residential amenity in general and in particular the residential properties in the immediate area.
- 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) 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 adopted South Lanarkshire Local Plan in that it would introduce a hot food operation within a predominantly residential area and there would be a significant impact in terms of environmental, traffic and amenity considerations. (e.g. noise, disturbance and odours) particularly in relation to the residential properties adjacent and near to the site late at night.
- 5 In the interests of amenity in that the proposal, if approved, would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.
- 6 In the interests of amenity, in that the proposal would result in increased vehicle movements, associated noise and on-street parking, to the detriment of neighbouring proprietors.
- 7 In the interests of residential amenity, in that the proposal would generate late night noise and activity to the detriment of neighbouring properties.
- 8 In the interests of road safety as the development has no satisfactory dedicated off street parking and consequently patrons arriving by car would park on street between two sets of traffic lights where parking restrictions exist, including a bus lay by, thereby resulting in adverse traffic conditions to the detriment of public safety.

HM/11/0101

71 Church Street, Larkhall

Planning and Building Standards Services

Scale: 1: 2500



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