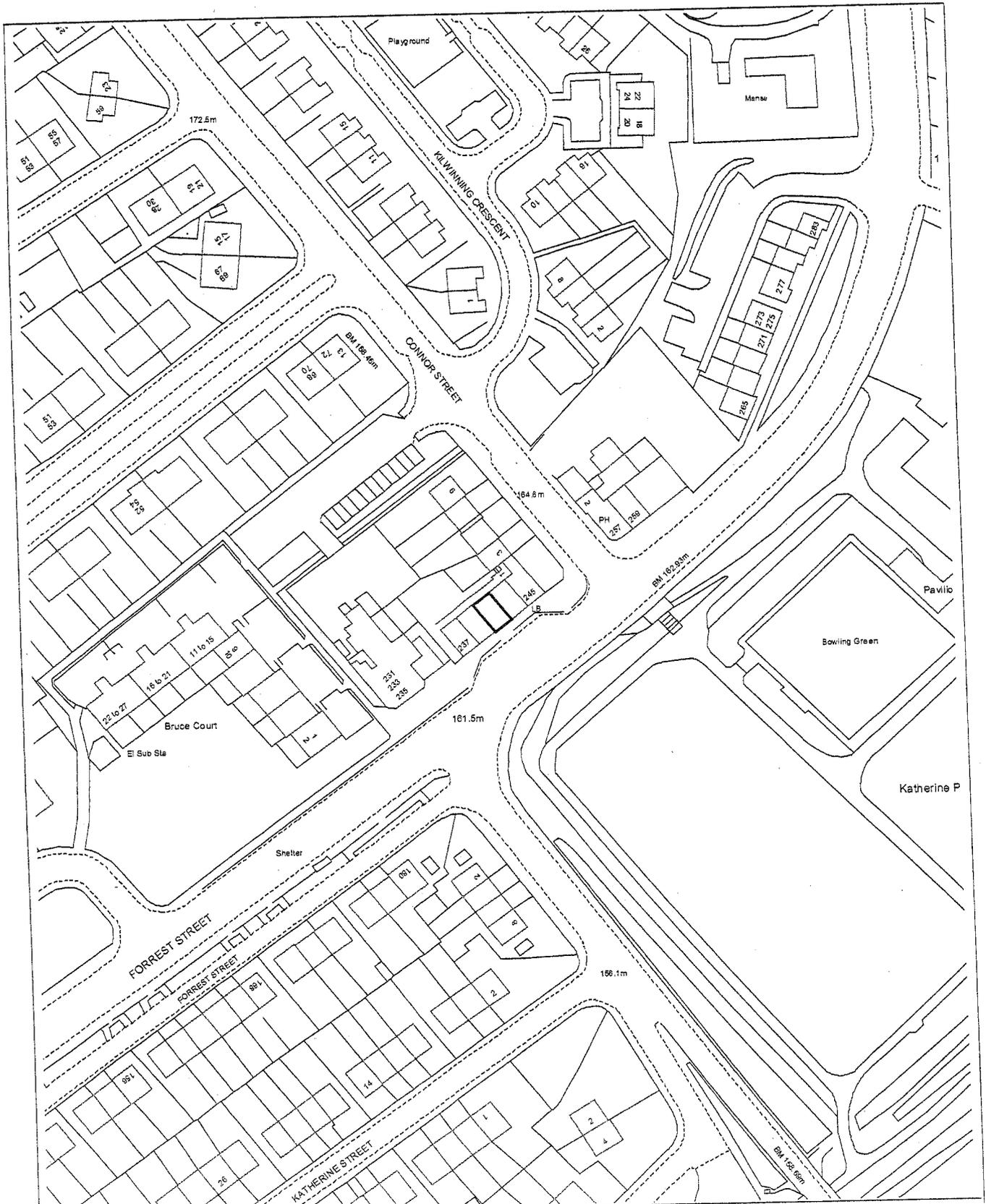


Application No: C/04/01797/AMD
Date Registered: 22nd October 2004
Applicant: Caroline Liu
78 Grangeneuk Gardens
Cumbernauld
G68 9BP
Development: Non-Compliance with Condition 3 of Application Number C/03/01018/FUL to Extend Opening Hours of Hot Food Takeaway
Location: 241 Forrest Street Airdrie Lanarkshire ML6 7AY
Ward: 44: Clarkston Councillor Campbell Cameron
Grid Reference: 278300. 665873.
File Reference: C/PL/AIF714241/CM/EL
Site History: C/03/01018/FUL Change of Use of Shop (Class 1) to Hot Food Take-Away. Granted September 2003
C/03/01571/ADV Display of Illuminated Shop Sign Granted November 2003
Development Plan: Under the terms of the Adopted Monklands District Local Plan 1991 the application site is located within an area covered by policy COM 5 (Local Shopping Areas)
Contrary to Development Plan: No
Consultations:
Representations: None Received
Newspaper Advertisement: Advertised on 27th October 2004

Recommendation: Refuse for the Following Reasons:-

1. That during the proposed extended opening hours parking facilities at the locus are restricted to a lay-by which is unavailable for authorised use due to a traffic regulation order. The proposal is therefore unacceptable due to substandard parking facilities.
2. That the proposed extended opening hours would lead to parking on Forrest Street (A89) as the restricted lay-by is already subject to unauthorised parking and additional demand will displace this onto the A89 carriageway to the detriment of road safety.



Planning Application No C/04/01797/AMD

Non-Compliance with Condition 3 of Planning Application C/03/01018/FUL
to Extend Opening Hours of Hot Food Takeaway

241 Forrest Street Airdrie

Produced by
Planning and Environment
Headquarters
Suite 601, Fleming House
2 Tryst Road
CUMBERNAULD
G87 1JW
01238 610210 Fax: 01238 610232
OS Licence LA 09041L



Reproduced from the Ordnance Survey mapping with
the permission of the Controller of Her Majesty's
Stationery Office. © Crown copyright.
Unauthorized reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.

Background Papers:

Application form and plans received 13th October 2004

Memo from Transportation Section received 19 November 2004

Memo from Protective Services received 24 November 2004

Any person wishing to inspect these documents should contact Colin Marshall at 01236 812376.

APPLICATION NO. C/04/01797/AMD

REPORT

1. Description of Site and Proposal

- 1.1 Planning permission is being sought to remove a planning condition that restricts the opening hours of a hot food take away located at 241 Forrest Street, Airdrie. The take-away shop forms part of a terraced group of shops and maisonette flats situated on the corner of Forrest Street and Connor Street. There is a small lay-by located to the front of the shop units and this is well used by the shop owners and customers during the day despite existing restrictions (yellow lines).
- 1.2 Whilst planning permission was granted for the hot food take-away in September 2003 (refer C/03/01018/FUL) it was on the basis that it only opened for business once the other shops closed. The Transportation Section previously objected to the initial change of use proposal on traffic safety grounds as there were insufficient parking spaces for a hot food takeaway (5 spaces were required for this type of use). However, on balance it was felt that once the other shops closed the lay-by would become available (parking is not restricted after 6 pm) for the take-away's customers during the evening. As such condition 3 of the planning permission restricted the hours of opening until after 6 pm. This condition was considered to be reasonable given the lack of dedicated parking facilities.
- 1.3 The applicant now proposes to introduce the following opening hours:
- Saturday and Sunday 4pm to 12.00 midnight
Monday to Friday 12 noon to 2pm and 4pm to 12.00 midnight.

2. Development Plan

- 2.1 The site is located within an area covered by policy COM 5 (Local Shopping Areas) in the local plan. There are no strategic issues.

3. Consultations and Representations

- 3.1 The Transportation Section raised an objection to this application for the following reasons: There are no parking facilities within the curtilage of the site and there would appear to be no scope for their provision. There is a 3 bay layby directly outside the property on the A89, Forrest Street, however this would not be considered as parking provision as it is covered by a Traffic Regulation Order. The order prohibits waiting 8.00 am- 6.00 pm, Monday to Saturday (inclusive) and prohibits loading 8.30 am-9.30 am and 4.30pm-6.00 pm, Monday to Saturday (inclusive). There is also a layby on Connor Street, however this is primarily for residential parking provision and there would be insufficient capacity to consider mixed use parking. As appropriate parking (5 spaces off-street) cannot be provided for this development and as both sides of the A89 Forrest Street are covered by waiting and loading restrictions, it is recommended that this application be refused.
- 3.2 There was no objection from Protective Services and no representations from adjacent neighbours.

4. Planning Assessment and Conclusions

- 4.1 The proposals require to be assessed under the terms of the development plan and any other material considerations. In this instance the use of the premises as a hot food takeaway has been established but only on condition that the opening hours are restricted in the interests of traffic safety. The main consideration now, is whether site circumstances have changed since planning permission was granted to allow the hot food take-away to be opened earlier as noted above.
- 4.2 It was noted from a site inspection that the other shops generally open from 9.00 am and close at either 5.00 or 6.00 pm and that the layby on the A89 is occupied by cars during the day despite the existence of yellow lines. The applicant has not indicated any intention to provide any additional dedicated parking facilities for the hot food takeaway and has not provided any justification in support of the proposed extension to the opening hours. Moreover it was noted that site circumstances are similar to those when the original change of use application was considered. The Transportation Section have again raised concerns over the lack of dedicated parking and consider the proposals to be detrimental to traffic safety.
- 4.3 Taking into account all of these considerations it can be concluded that the original restrictive condition is essential. There has been no significant change at the site. The proposed earlier opening hours would result in additional traffic generation and there would be no parking facilities for such customers. This may result in customers parking on the A89 Forrest Street to the detriment of road safety. It is therefore recommended that planning permission be refused and that the hot food take-away be required to comply fully with the terms of the original permission