

EAST AYRSHIRE COUNCIL**LOCAL REVIEW BODY****MINUTES OF MEETING HELD ON TUESDAY 17 AUGUST 2010 AT 1500 HOURS
IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Alan Brown, Maureen McKay, Tom Cook and Douglas Reid.

ATTENDING: Hugh Melvin and Fiona Finlay, Principal Planning Officers; Craig Young, Team Leader, Litigation and Advice; Christine Baillie, Senior Administrative Officer; and Jennifer Morrison, Administrative Officer.

APOLOGY: Councillor Jimmy Kelly.

CHAIR: Councillor Alan Brown, Chair.

**CONTINUED REVIEW CASE - APPLICATION NO LRB 10/0154/PPP: THE
WATERSTORE COTTAGE, KILMARNOCK ROAD, MAUCHLINE
(Item 2, Page 1285, 07/12)**

1. Following an unaccompanied site visit attended by Councillors Alan Brown, Maureen McKay, Tom Cook and Douglas Reid, together with Hugh Melvin, Principal Planning Officer and Christine Baillie, Senior Administrative Officer, held prior to the meeting, Members considered the application for Review to refuse planning permission in principle, for the erection of a dwellinghouse at the Waterstore Cottage, Kilmarnock Road, Mauchline. The position statement, Notice of Review submission, the Decision Notice and the Planning Officer's Report of Handling, were all circulated.

Following consideration, the Local Review Body determined that they now had sufficient information before them to proceed to determine the application without further procedure.

The Local Review Body determined that, as there were currently 3 residential units forming a grouping within the area adjacent to the proposed development site, the principle of residential use was established, and therefore, the impact on the rural, visual and adjacent residential amenity was not significant.

The Local Review Body therefore determined that the application be approved, not upholding the Appointed Officer's determination and included the request for conditions which were based on the standard condition requirements for an application for planning permission in principle, the consultation responses received, and general amenity considerations in respect of the proposed development and its proximity to other development.

**APPLICATION NO LRB 10/0058/PP: CHANGE OF USE TO FORM INTERNET
CAFE AT FORMER BT EXCHANGE UNIT, POLWARTH STREET, GALSTON**

2. There was submitted a position statement (circulated) in respect of the request for a Review of the decision taken by Officers under delegated authority, to refuse an application for the change of use to form internet cafe at former BT Exchange Unit, Polwarth Street, Galston. The Notice of Review submission, the Decision Notice and the Planning Officer's Report of Handling were also circulated.

The Local Review Body taking account of the material produced, agreed that it had sufficient information before it and that the review application could be determined without further procedure in terms of the Town and Country Planning (Schemes of Delegation and Local Review Body Procedure) (Scotland) Regulations 2008.

The Local Review Body considered the terms of the Decision Notice dated 26 May 2010 together with the original application for Planning Permission, Report of Handling dated 24 and 26 May 2010 together with the Notice of Review dated 22 June 2010, covering letter dated 2 July 2010 and other supporting documents.

Having done so, the Local Review Body noted the application assessment that had been carried out by the Case Officer within the Report of Handling and, having considered this assessment in light of the Notice of Review, covering letter and other supporting documentation, determined that the application was considered to be contrary to the terms of the development plan and in particular to Policies SD3, RTC1, IND6 and RTC5 of the Adopted East Ayrshire Local Plan, and that the material considerations referred to within the Notice of Review, covering letter, other supporting documentation and original application, did not outweigh the development plan policies.

As a consequence the review application was refused and accordingly dismissed, upholding the Appointed Officer's determination.

The meeting terminated at 1514 hours.