

EAST AYRSHIRE COUNCIL

LOCAL REVIEW BODY

MINUTES OF MEETING HELD ON WEDNESDAY 17 AUGUST 2011 AT 1530 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Alan Brown, John McGhee, Tom Cook, Douglas Reid and William Crawford.

ATTENDING: Hugh Melvin, Acting Development Management Manager; Craig Young, Team Leader, Litigation & Advice; and Jennifer Morrison, Administrative Officer.

CHAIR: Councillor Alan Brown, Chair.

CONTINUED REVIEW CASE - APPLICATION NO LRB 10/0689/PP: 65 HIGH STREET, STEWARTON (Item 2, Page 1702, 07/12)

1. Following an accompanied site visit attended by Councillors Alan Brown, John McGhee, Tom Cook, Douglas Reid and William Crawford, together with Mr Aftab Malik, the applicant. Hugh Melvin, Acting Development Management Manager, and Jennifer Morrison, Administrative Officer, held prior to the meeting, Members considered the application to review the refusal of planning permission for a hot food takeaway at 65 High Street, Stewarton.

The position statement, Notice of Review submission, the Decision Notice, the Planning Officer's Report of Handling, representations received in relation to the original planning application, a representation received in relation to the Notice of Review and a response by the applicant's representative to this further letter of representation, together with a written submission from the Head of Planning and Economic Development, (and response thereon from the applicant), a written submission from the Head of Legal, Procurement and Regulatory Services (Environmental Health) (and response thereon from the applicant) and a written submission from the applicant, (and response thereon from the Head of Legal, Procurement and Regulatory Services (Environmental Health)), (all written submissions as requested by the Local Review Body at its meeting on 20 June 2011), 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.

Councillor Alan Brown, seconded by Councillor Douglas Reid, moved that the Local Review Body should take the view that the application site accorded with Policy RTC15 of the Adopted East Ayrshire Local Plan as the proposal was considered to be compatible with surrounding land uses including commercial uses and, subject to the imposition of appropriate conditions regarding the control of odours, minimisation of noise from the operation of the extraction unit itself and operating hours, took the view that there would be no significant detrimental effect on the amenity of adjacent properties.

The Local Review Body should therefore determine that the application be approved, not upholding the Appointed Officer's decision and to include conditions to cover odour control measures, minimisation of noise from the operation of the extraction unit itself and to restrict the hours of operation to 2200 hours Monday - Sunday, and to remit to the Head of Planning and Economic Development to also include conditions which were based on the standard condition requirements for an application for planning permission for change of use to a hot food takeaway.

Councillor John McGhee, seconded by Councillor William Crawford, moved as an amendment that the Local Review Body should take the view that having 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 and other supporting documentation, that the application be considered to be contrary to Policy RTC 15 of the Adopted East Ayrshire Local Plan as: (a) the proposed extraction system is in close proximity to residential property and will have a detrimental effect on the amenity of the adjacent properties by reason of odour; (b) the proposed use is in close proximity to residential property and will have a detrimental effect on the amenity of the adjacent properties by reason of noise; and (c) the proposal is not compatible with surrounding land uses given the likely detrimental impact caused by noise and smell from the takeaway on the amenity of the surrounding residential properties; and that the material considerations referred to within the Notice of Review, supporting documentation and the original application, did not outweigh the development plan policies, that the application should be refused and accordingly dismissed, upholding the Appointed Officer's determination.

On a division by a show of hands, the motion was carried by 3 votes to 2.

**APPLICATION NO LRB 10/0922/PP: DEVELOPMENT OF TWO HOUSES AT
LAND ADJACENT TO BARRMILL COTTAGE, MAXWOOD ROAD/CASTLEVIEW
AVENUE, GALSTON (Item 3, Page 1703, 07/12)**

2. Following an unaccompanied site visit attended by Councillors Alan Brown, John McGhee, Tom Cook, Douglas Reid and William Crawford, together with Hugh Melvin, Acting Development Management Manager, and Jennifer Morrison, Administrative Officer, held prior to the meeting, Members considered the application to review refusal of planning permission for a proposed development of two houses at land adjacent to Barrmill Cottage, Maxwood Road/Castleview Avenue, Galston.

The position statement, Notice of Review submission, the Decision Notice, the Planning Officer's Report of Handling, representations received in relation to the original planning application, together with a written submission from the Head of Planning and Economic Development (and response thereon from the applicant), a written submission from the Head of Roads and Transportation (and response thereon from the applicant), a written submission from the Head of Housing Services (Cleaving Section) (and response thereon from the applicant) and a written submission from the applicant, (all written submissions as requested by the Local Review Body at its meeting on 20 June 2011), 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 took the view that the application site was not significantly out with the settlement boundary, and that the proposed development was not detrimental to local amenity given the diverse nature and character of the existing built environment in the locality of the application site. The Local Review Body, taking cognisance of the planning history of the site, therefore considered that there was no significant breach of Policies SD3 and RES20, and that the proposed development was not contrary to Policies RES3, RES5, and ENV9 of the adopted local plan. In relation to Policy T3, the Local Review Body considered that a solution to the access issues raised through Policy T3 could be addressed through the submission of appropriate details of access arrangements to meet the requirements of the Roads and Transportation Service.

The Local Review Body determined therefore that the application be approved, not upholding the Appointed Officer's decision and to include a condition that before any development commences on site the applicant must reach agreement with the Head of Roads and Transportation/Head of Housing Services (Cleaving Section), as necessary, to ensure adequate access arrangements to the site can be achieved, and to remit to the Head of Planning and Economic Development to also include conditions which were based on the standard condition requirements for an application for planning permission to construct two dwellinghouses.

The meeting terminated at 1600 hours.