

**EAST AYRSHIRE COUNCIL**

**LOCAL REVIEW BODY**

**MINUTES OF MEETING HELD ON MONDAY 20 JUNE 2011 AT 1534 HOURS IN  
THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

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

**ATTENDING:** Fiona Finlay, Principal Planning Officer; Craig Young, Team Leader - Litigation and Advice; and Jennifer Morrison, Administrative Officer.

**CHAIR:** Councillor Alan Brown, Chair.

**PROCEDURE**

1. The Administrative Officer outlined the procedure to be followed at the meeting (circulated).

**APPLICATION NO LRB 10/0689/PP: CHANGE OF USE TO FORM HOT FOOD  
TAKEAWAY AT 65 HIGH STREET, STEWARTON**

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 planning permission for change of use to form hot food takeaway at 65 High Street, Stewarton.

The Notice of Review submission, the Decision Notice, the Planning Officer's Report of Handling, the original letters of objection from interested parties, consultation response from Environmental Health, consultation response from Roads and Transportation and response from the Access Panel, a further letter of representation received from an interested party and a response by the applicant to the further letter of representation received were also circulated.

Following consideration, the Local Review Body determined that they were unable to determine the review without further procedure at this time and agreed (i) that they required (a) to receive a written submission from the Head of Planning and Economic Development providing information in terms of the appointed Officer's decision to refuse the application (1) as to why it was felt that the proposals were not compatible with the surrounding and existing land uses, given that there were a number of small businesses located which stretched along the length of High Street; (2) on the impact on residential properties; and (3) on the view taken that the proposal would have a detrimental effect on the amenity of the adjacent properties by reason of odour given the view taken by Environmental Health Officers who had no objection to the proposed development; and that the applicant thereafter be given an opportunity to comment on the Head of Planning and Economic Development's response; (b) to receive a written submission from the Head of Legal, Procurement and Regulatory Services (Environmental Health Service) to provide information (1) on the adequacy of the proposals as they stand; (2) on how the Environmental Health Service assess and deal with complaints about odour; and (3) on the potential noise nuisance which may be created by the proposed development; and that the

applicant and the Head of Planning and Economic Development thereafter be given an opportunity to comment on the Head of Legal, Procurement and Regulatory Services response and (c) to receive a written submission from the applicant (1) clarifying the arrangements for a secure bin storage area including access and egress from the said storage area; and (2) providing more information on the proposed ventilation and arrangements for fluing the said premises at 65 High Street, Stewarton, i.e. the use of extract louvers rather than a conventional flue and that the Head of Planning and Economic Development and the Head of Legal, Procurement and Regulatory Services be given the opportunity to comment on the applicant's response in terms of (1) and (2) respectively; and (ii) thereafter, to make an inspection of the land comprising the application site (accompanied by the applicant and a representative of the Head of Planning and Economic Development) at 65 High Street, Stewarton; with the review to be continued to a future meeting following (i) the receipt of (a) the written submissions from the Head of Planning and Economic Development, the Head of Legal, Procurement and Regulatory Services and the applicant; and (b) the written responses following thereon from the applicant, the Head of Planning and Economic Development and the Head of Legal, Procurement and Regulatory Services; and (ii) the site inspection; for further consideration of the review.

**APPLICATION NO LRB 10/0922/PP: PROPOSED DEVELOPMENT OF TWO HOUSES AT LAND ADJACENT TO BARRMILL COTTAGE, MAXWOOD ROAD/CASTLEVIEW AVENUE, GALSTON**

3. 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 planning permission for the proposed development of two houses at land adjacent to Barrmill Cottage, Maxwood Road/Castleview Avenue, Galston.

The Notice of Review submission, the Decision Notice, the Planning Officer's Report of Handling and the original consultation responses from interested parties were also circulated.

Following consideration, the Local Review Body determined that they were unable to determine the review without further procedure at this time and agreed that they required to receive a written submission from (i) the Head of Roads and Transportation regarding the proposed access to the properties in terms of their consultation response and the offer by the applicant to purchase land to fulfil adequate access requirements, and that the applicant and Head of Planning and Economic Development thereafter be given an opportunity to comment on the Head of Roads and Transportation's response; (ii) the Head of Planning and Economic Development (a) setting out information on the planning history of the site; and (b) on his view as to the impact of the proposed development on the houses to the west of the application site, and that the applicant thereafter be given an opportunity to comment on the Head of Planning and Economic Development's response in relation to (a) and (b); (iii) the Head of Housing Services (Cleansing Section) regarding the comment in the appointed Officer's report of handling that "the applicant cannot demonstrate an ability to have an appropriate access accommodating a refuse vehicle" and that the applicant and Head of Planning and Economic Development thereafter be given an opportunity to comment on the Head of Housing Services response; (iv) the applicant outlining why they had moved from the position whereby planning consent was in place for a development wholly within

the settlement boundary, to this current application where a portion of the application site lay outwith the settlement boundary, and that the Head of Planning and Economic Development thereafter be given an opportunity to comment on the applicant's response; and (v) thereafter, to make an unaccompanied inspection of the land comprising the application site particularly to look at the nearby house types and to consider the proposed access to the properties, at Barrmill Cottage, Maxwood Road/Castleview Avenue, Galston, with the review to be continued to a future meeting following (i) the receipt of (a) the written submission from the Head of Roads and Transportation; the Head of Planning and Economic Development; the Head of Housing Services; and the applicant; and (b) the written responses following thereon from the applicant and the Head of Planning and Economic Development; and (ii) the site inspection; for further consideration of the review.

The meeting terminated at 1645 hours.