

EAST AYRSHIRE COUNCIL

**LOCAL REVIEW BODY - POSITION STATEMENT IN RESPECT OF LRB
10/0689/PP: CHANGE OF USE TO FORM HOT FOOD TAKEAWAY AT 65 HIGH
STREET, STEWARTON**

1. CURRENT POSITION

1.1 A Notice of Review in respect of planning application 10/0689/PP for change of use to form hot food takeaway at 65 High Street, Stewarton, by Mr Aftab Ahmed Malik was received on 26 April 2011. The following related documents are set out in the Appendices to this position statement:-

- Appendix 1 - Notice of Review Submission;
- Appendix 2 - Decision Notice;
- Appendix 3 - Report of Handling; and
- Appendix 4 - Representations received in relation to original planning application.

1.2 In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008, interested parties who had made, and had not withdrawn, representations in connection with the application were invited to submit further representations in relation to the review of the original decision. One further representation was received together with a response thereon from the applicant's agent (Appendix 5 and 6):-

- Appendix 5 - Representation received in relation to Notice of Review;
- Appendix 6 - Response from applicant's agent in relation to representation received under Appendix 5.

1.3 The Local Review Body at a meeting on 20 June 2011 determined that they were unable to determine the review without further procedure at that 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.

1.4 The written submissions requested and the applicant's and the Head of Planning and Economic Development's responses are set out in the following Appendices:-

- Appendix 7 - written submission from the Head of Planning and Economic Development;
- Appendix 8 - written submission from the Head of Legal, Procurement and Regulatory Services (Environmental Health);
- Appendix 9 - response from the applicant in relation to Appendices 7 & 8;
- Appendix 10 - written submission from the applicant; and
- Appendix 11 - response from the Head of Legal, Procurement and Regulatory Services (Environmental Health) in relation to Appendix 10.

Updated: 8 August 2011
JM/SR