

# APPENDIX 2

DN3 - PP(Local Development)(Refusal)

Department of Neighbourhood Services  
Head of Planning and Economic Development Service  
Alan Neish Dip TP



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## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended by The Planning etc. (Scotland) Act 2006)

### Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application Reference Number: 10/0689/PP

TO: Mr Aftab Ahmed Malik  
per  
Carruthers Curdie Sturrock & Co  
1 Howard Street  
Kilmarnock  
East Ayrshire  
KA1 2BP

#### REFUSAL OF PLANNING PERMISSION

With reference to your application validated on **2nd November 2010** for planning permission under the above-mentioned Act and Regulations for the following development:

Change of use to form Hot Food Takeaway as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Location Plan			02.11.2010
Block Plan			02.11.2010
Ground Floor Plan			26.07.2010
Other	AIR INPUT LOUVRE PICTURE		26.07.2010
Other	EXHAUST LOUVRE PICTURE		26.07.2010
Other	EXTRACT SYSTEM DETAILS REF 172		07.10.2010
Other	EXTRACT SYSTEM MANUFACTURER INFO		07.10.2010

AT

65 High Street, Stewarton, Kilmarnock, East Ayrshire, KA3 5DX

East Ayrshire Council in exercise of their powers under the above mentioned Act hereby **REFUSE** planning permission for the said development. The reasons for the Council's decision are:-

1. The proposed development would 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. 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.

Dated this 26th January 2011

Signed.....

**Alan Neish** <sup>12</sup>

Head of Planning and Economic Development

#### Notes to Applicant

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 **within three months from the date of this notice**. A Notice of Review form for this purpose is available for download from the Council's website (<http://www.east-ayrshire.gov.uk/devser/planandbuild/online.asp>) or on request by contacting the offices listed above. The completed Notice of Review form should be sent to the **Head of Democratic Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU**.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.