

## **REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 28th October 2010 at 10.00 a.m.

### **For Items 1 to 3:**

Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie and Bill Grant.

Apology: Councillor Alec Oattes.

Attending: M. Newall; Head of Planning and Enterprise; W. Carlaw, Acting Legal Manager; M. McClelland, Development Management and Business Change Team Leader; B. Wyllie, Supervisory Engineer (Traffic); J. Webb, Traffic Technician; and A. Gibson, Committee Administrative Officer.

### **For Items 4 to 9:**

Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie and Bill Grant.

Apologies: Councillors John Allan and Alec Oattes.

Attending: C. Neillie, Solicitor; R. Cairns, Engineering (Public Safety) Group Leader; D. Scobie, Licensing Monitoring Officer; G. Sproat, Licensing Administration Assistant; and A. Gerrish, Committee Administrative Officer.

Also Attending: Sergeant U. Menzies, Strathclyde Police.

In Attendance: L. Grant and G. Steel, Ayr United Football Club (for item 8 only).

### **1. Variation in order of business.**

In terms of Council Standing Order No. 10, the Panel agreed to vary the order of business as hereinafter minuted.

### **2. Speed Limit Review.**

There was submitted a report (issued) of 21st October 2010 by the Executive Director - Development and Environment advising

- (1) that this Council had carried out a review of all A and B class roads within its road network in accordance with The Scottish Government's Enterprise, Transport and Lifelong Learning Department (ETLLD) Circular 1/2006; and
- (2) that the review had concluded that a national framework was needed for determining speeds on all roads with limits that were rational, consistent, readily understood and appropriate for the circumstances and that any changes be implemented by 2011.

**Decided:** to agree

- (a) to commence the statutory process to implement Traffic Regulation Orders to revise speed limits, as detailed in paragraph 4.1 of the report; and
- (b) to request the Scottish Government to reclassify the following routes:-

Route No	Section of Route to be reclassified	Proposed Classification
B7044	From its junction with B734 to its junction with A77, Ballantrae.	C;
C59	Coalpots Road Girvan. From Its junction with A77 to its junction with B734.	B;
C30	From its junction with B734 to its junction with B741 at Dailly	B;
C39	Doonholm Road. From its junction with Alloway to its junction with Murdoch's Lone	Uncl;
Murdoch's Lone, Alloway	From its junction with Doonholm Road to its junction with B7024 Alloway	C;
Fort Street, Ayr.	From its junction with A719 Wellington Square to South Harbour Street	A;
B748	South Harbour Street, Ayr. From Its junction with Fort Street to New Bridge Street	A;
B748	South Harbour Street, Ayr. From its junction with Fort Street to South Beach Road	C;
C52	Monktonhill Road, Troon. From its junction with B749 Southwood's Road to its junction with B749 Craigend Road, Troon	B;
B749	Southwood Road, Troon. From its junction with C52 Monktonhill Road to its junction with C52 Craigend Road.	C;
Port Ronald Drive, Troon	From its junction with North Shore Road to its junction with B749 Harbour Road, Troon	B; and
B7035	From its junction with A77 at St Quivox to its junction with B743 at Auchincruive	C.

### 3. **Applications for Planning Permission.**

There were submitted reports (issued) of October 2010 by the Executive Director - Development and Environment and letters of objection or support, as appropriate, on current applications for determination.

The Panel decided as follows:-

**Councillor Grant advised that he would address the Panel as a Local Member regarding the following planning application and subsequently withdrew from the Panel during consideration thereof:-**

**(1) 10/00784/APP – AYR – 11 Bellevue Crescent-** Erection of domestic garage.

The Panel heard Councillor Grant, Local Member.

Councillor Douglas, seconded by Councillor Galbraith, moved that consideration of the application be continued to a Regulatory Panel (Special), to allow a site visit to be conducted.

By way of an Amendment, Councillor Fitzsimmons, seconded by Councillor Goldie, moved that the application be approved subject to the conditions as detailed in the report.

On a vote being taken by a show of hands, three Members voted for the Amendment and three for the Motion. The Chair exercised his casting vote in favour of the Amendment.

**Decided:** to approve the application subject to the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) the garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority;
- (c) that notwithstanding the plans hereby approved, the proposed roof shall be externally finished with natural slate. Exact details and samples of the proposed slate shall be submitted for the prior written approval of the Planning Authority prior to the commencement of work on site;
- (d) that a precise constructional detail (including cross sectional plans) of the wall head, fascia and eaves shall be submitted for the prior written approval of the planning authority before the hipped slated roof is erected; and
- (e) that the lowering of the wall head and a slated hipped roof shall be completed on site no later than 29th April 2011 in accordance with the approved plans and as specified by conditions on this permission, unless otherwise approved in writing by the planning authority. For the avoidance of doubt the wall head shall not exceed 2.5 metres in height above ground level and the ridge line shall not exceed 4.7 metres in height above ground level.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential amenity;
- (c) to safeguard the character and appearance of the Conservation Area;
- (d) in the interests of the proper planning of the area and to retain proper control over the development. To safeguard the character and appearance of the Conservation Area; and
- (e) in the interests of the proper planning of the area and to retain proper control over the development. To ensure that works to resolve the issue of unauthorised development are implemented within a reasonable timescale. To clarify the extent of this permission.

**Advisory Notes:**

- (i) the applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build, or maintain, this approved development. Such consent should be obtained prior to the commencement of works on site; and
- (ii) the applicant is advised that, if the proposals hereby approved are altered in any way, for example as a result of obtaining any of the other statutory consents or for any other reason, they should so inform the Planning Authority and submit copies of the amended proposals in order that a view may be taken as to whether the alterations are material or not and whether a fresh application will be required.

**List of Determined Plans:**

Drawing - Reference No (or Description): BLOCK PLAN;  
Drawing - Reference No (or Description): LOCATION PLAN;  
Drawing - Reference No (or Description): EXISTING PLANS; and  
Drawing - Reference No (or Description): PROPOSED PLANS.

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

**At this point, Councillor Grant rejoined the Panel.**

- (2) **10/01200/PPP – TROON – 7 Lady Margaret Drive** – Planning permission in principle for erection of dwellinghouse.

**Decided:** to refuse the application on the following grounds:-

- (a) that the proposal to erect a house on a plot of the scale proposed is out-of-character with the established amenity and character of the area, and is contrary to Policies H7, STRAT5(a), STRAT5(b) and H6(b) and H6(f) of the South Ayrshire Local Plan in that the proposal does not respect the density, amenity and form of development at the locality; and
- (b) that the proposal to erect a house on a plot of the scale proposed, and with the proposed garden ground for both the donor and the proposed property, is contrary to Council Planning Policy Report No. 4, 'The Provision of Private and Public Open Space And Play Areas Within New Residential Areas' and the Council's draft Supplementary Planning Guidance entitled 'Open Space and Designing New Residential Developments' which indicate that plot ratios and the pattern of development should respect those of other dwellinghouses in the locality.

**List of Determined Plans:**

Drawing – Reference No (or Description): LOCATION PLAN.

At this point, the time being 10.55 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

4. **Resumption of Meeting.**

The meeting resumed at 2.00 p.m.

5. **Variation in Order of business.**

In terms of Council Standing Order No. 10, the Panel agreed to vary the order of business as hereinafter minutes.

6. **Civic Government (Scotland) Act 1982 - Licences.**

(a) **Taxi Drivers.**

- (i) The Panel considered the application from Philip Campbell.

**Decided:** to approve this application for one year, subject to standard conditions as previously agreed.

- (ii) The Panel heard an observation from Strathclyde Police and Andrew Burn's representative in response.

**Decided:** to approve this application for one year, subject to standard conditions as previously agreed.

- (iii) The Panel considered the application from Tommy McGinn.

**Decided:** to approve this application for three years, subject to standard conditions as previously agreed.

- (iv) The Panel considered the application from Laurie Frew.

**Decided:** to approve this application for three years, subject to standard conditions as previously agreed.

- (v) The Panel considered the application from Daniel McLean.

**Decided:** to approve this application for three years, subject to standard conditions as previously agreed.

- (vi) The Panel considered the application from Usman Shafiq.

**Decided:** to approve this application for three years, subject to standard conditions as previously agreed.

(vii) The Panel considered the proposed suspension of various licences.

**Decided:**

(A) to agree to suspend the licences held by the following for their unexpired portions as they had failed to undertake training as per the licences issued to them:-

David Hillhouse;  
Andrew Edmond;  
Craig Parkinson;  
Alan Hamilton;  
Allan Anderson;  
John McGeachie;  
Graeme Lennon;  
Craig Boyle;  
Stewart Kay;  
Roy Wallis; and  
Alexander Reddick;

(B) to defer consideration of Patrick Kavanagh's licence as an East Ayrshire training certificate had been produced and requested Licensing Section to notify Patrick Kavanagh in writing of the outcome of investigations as to whether it was an approved course; and

(C) to agree not to suspend Glen Logan's licence.

(b) **Street Trader.**

**Decided:** to continue consideration of the application from Samantha Finnie to a future meeting of this Panel to allow further information to be sought.

(c) **Late Hours Catering.**

(i) **Marsha Anne Yilmaz for Midnight Express, 1B Arthur Street, Ayr, KA7 1QJ.**

The Panel heard an observation from Strathclyde Police and the applicant's representative in response.

Councillor Grant, seconded by Councillor Douglas, moved that the application be approved for three years, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 3.30 a.m., subject to one properly trained door steward being in attendance on the premises from midnight until 3.30 a.m. on Friday and Saturday and subject to standard conditions as previously agreed.

By way of an Amendment, Councillor Fitzsimmons, seconded by Councillor Campbell, moved that the application be approved subject to a condition that Mr. Yilmaz was not on the premises during the hours of the licence.

On a vote being taken by a show of hands, two Members voted for the Amendment and four for the Motion which was accordingly declared carried.

**Decided:** to approve this application for three years, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 3.30 a.m., subject to one properly trained door steward being in attendance on the premises from midnight until 3.30 a.m. on Friday and Saturday and subject to standard conditions as previously agreed.

(ii) **David Bryson & Sons Ltd. and Walter Bryson for 1 Monkton Road, Prestwick, KA9 1AS.**

**Decided:** to approve this application for three years, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 5.00 a.m., subject to standard conditions as previously agreed.

(iii) **Stephen Ho for Brian's, 31 New Road, Ayr, KA8 8DA.**

**Decided:** to approve this application for three years, the approved hours being every Sunday to Thursday inclusive from 11.00 p.m. to midnight and every Friday and Saturday from 11.00 p.m. to 1.00 a.m., subject to standard conditions as previously agreed.

(e) **Second Hand Car Dealer.**

**Ingram Motoring Group Ltd. and Malcolm Ingram, 2 Old Bridge Road, Ayr, KA8 9SX.**

The Panel heard Malcolm Ingram in relation to this application.

**Decided:** to approve this application for three years, subject to standard conditions as previously agreed.

(f) **Street Traders Licence.**

**Darren Sharp for Sale of Glow in the Dark Novelties in High Street, Ayr on 21st November 2010 for Christmas Lights Switch On.**

**Decided:** to approve this application, subject to standard conditions as previously agreed.

7. **Exclusion of press and public.**

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the meeting during discussion of items 7(a) (i) and (ii) of business on the agenda, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 6 Part 1 of Schedule 7A of the Act.

8. **Civic Government (Scotland) Act 1982 - Licences.**

**Taxi Drivers.**

(i) The Panel heard the applicant, John Graham, in relation to his application.

**Decided:** to approve this application for one year, subject to standard conditions as previously agreed.

(ii) The Panel heard the applicant, William Cochrane, in relation to the suspension of a Taxi/Private Hire Care Driver Licence.

**Decided:** to suspend the licence as the applicant had failed to undertake the necessary training as per the licence issued.

**9. Somerset Park, Ayr.**

Reference was made to the Minutes of 19th August 2010 (Page 426, paragraph 11) and there was submitted a report (issued) of 8th October 2010 by the Executive Director – Development and Environment updating the Panel on the position regarding the required work to the floodlighting columns at Somerset Park.

The Panel heard the Team Leader – Building Standards outline the current position in relation to the outstanding works and the representative from Somerset Park in response.

**Decided:**

- (1) to note the contents of the report and to agree that the General Safety Certificate should remain in force; and
- (2) to note the current position and that, as work on the floodlighting columns was in progress, to agree that all necessary works to the floodlighting columns should be completed, to the satisfaction of South Ayrshire Council's Building Standards Service, by the end of January 2011 and that a further report should be submitted to the meeting on 17th February 2011.

The meeting ended at 2.55 p.m.