

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 17th February 2011 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; E. Kelty, Engineer/Technical Officer; and J. McClure, Committee Administrative Officer.

For Items 4 to 9:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie and Bill Grant.
- Apology: Councillor Alec Oattes.
- Attending: C. Neillie, Solicitor; M. Douglas, Licensing Policy Officer; D. Scobie, Licensing Monitoring Officer; R. Cairns, Team Leader – Building Standards; and J. McClure, Committee Administrative Officer.
- Also Attending: Inspector A. Clapperton and Sergeant U. Menzies, Strathclyde Police.
- In Attendance: W. Houston and G. Steel, Ayr United Football Club.

1. Chair's Remarks.

The Chair, on behalf of the Panel, congratulated staff in the Planning Section following the recent publication of performance statistics from July to September 2010 of Planning Departments throughout Scotland when South Ayrshire Council's Planning Section had now been rated fourth in Scotland having improved from previously being rated as thirty second in Scotland.

2. South Ayrshire Council (High Street, Ayr) (Access) Order 2011.

With reference to the Minutes of the Leadership Panel of 23rd November 2010 (Page 602, paragraph 8), there was submitted a report (issued) of 3rd February 2011 by the Executive Director - Development and Environment seeking approval to make an Order under the Road Traffic Regulation Act 1984, namely South Ayrshire Council (High Street, Ayr) (Access) Order 2011.

Questions were raised by members of the Panel in relation to taxi marshalls; any recorded incidents around the High Street ranks; the possibility of opening the High Street to traffic on Sundays to regenerate the area; and the primary reason for objections being raised to the High Street opening to traffic on Sundays and the Head of Planning and Enterprise and the Engineer/Technical Officer responded accordingly.

Decided: to approve the making of the South Ayrshire Council (High Street, Ayr) (Access) Order 2011.

3. Applications for Planning Permission.

There were submitted reports (issued) of February 2011 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:-

- (1) **10/00948/APP – MAUCLINE – Nether Failford** – Change of use, alteration and extension of garage to form dwellinghouse and change of use and alteration to house and stables to form three dwellinghouses.

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (d) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and for the avoidance of doubt all roofs shall be externally finished in natural slate;
- (e) that the development hereby approved shall be for the conversion of the existing building to form a dwellinghouse and shall be carried out as per the stamped approved drawings and any additional downtakings or new build required as part of this development shall require the prior written approval of the Planning Authority;
- (f) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means, precise details and specifications of how this shall be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

- (g) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures shall be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site; and
- (h) that the applicant shall submit a report demonstrating how it is intended to provide a potable supply of water, which meets the relevant legislative standards for quality and quantity of water supply throughout the year, to all of the proposed residential units without any significant detriment to the quality or supply of water to any other property, for the prior written approval of the planning authority, in consultation with Environmental Health and Buildings Standards, before any work commences on site. For the avoidance of doubt, connecting the proposed residential units to the public water supply would fully satisfy the requirements of this condition.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interests of visual and residential amenity;
- (d) In the interests of visual amenity;
- (e) to ensure that the building being converted remains substantially intact and that the works do not detract from the appearance of the building;
- (f) in the interest of road safety and to avoid the discharge of water on to the public road;
- (g) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained; and
- (h) in the interests of the proper planning of the area, to ensure that the proposed residential units are served with an adequate supply of water without detriment to the water supply to other properties.

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;
- (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;
- (iii) please note that work should be undertaken in compliance with legislation and guidance relating to the Water environment, Chemical & oil storage, Pollution prevention (including construction, demolition and agricultural activities), Storage and movement of waste materials and Controlled waste. Information and guidance, including best practice, can be found at the website of the Scottish Environment Protection Agency (SEPA) as follows www.sepa.org.uk; and

- (iv) the applicant/developer is advised to contact Environmental Health and Building Standards with regard to standards applicable to this development proposal with particular regard to the water supply arrangements.

List of Determined Plans:

Drawing - Reference No (or Description): 08.234:BP01;
Drawing - Reference No (or Description): 08.234:DN01;
Drawing - Reference No (or Description): 08.234:EX01;
Drawing - Reference No (or Description): 08.234:EX02;
Drawing - Reference No (or Description): 08.234:LP01;
Drawing - Reference No (or Description): 08.234:P01E;
Drawing - Reference No (or Description): 08.234:P02;
Drawing - Reference No (or Description): 08.234:P03;
Other - Reference No (or Description): DESIGN STATEMENT; and
Other - Reference No (or Description): STRUCTURAL APPRAISAL.

Reason for Decision (where approved):

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.

- (2) **10/01742/APP – AYR – 20 Arnprior Place** – Alterations and extension to dwellinghouse and erection of double garage.

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) that before the proposed dwelling shall be occupied three off-street parking spaces shall be provided within the curtilage in accordance with the Roads Development Guide;
- (d) that prior to completion of the development any gates shall open inwards away from the public roadway;
- (e) that provision shall be made for all vehicles to enter and leave the site in forward gear; and
- (f) that the private access shall be surfaced for a minimum of five metres as measured from the rear of the public footway.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of road safety and to ensure adequate off-street parking provision;
- (d) in the interest of road safety;
- (e) to reasonably avert the reversing of vehicles onto the main road; and
- (f) in the interest of road safety and to ensure an acceptable standard of construction.

List of Determined Plans:

Drawing - Reference No (or Description): 01 REV A;
Drawing - Reference No (or Description): 02;
Drawing - Reference No (or Description): 03 REV A;
Drawing - Reference No (or Description): 04;
Drawing - Reference No (or Description): BP01; and
Drawing - Reference No (or Description): LOC01.

Reason for Decision (where approved):

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.

- (3) **10/001582/APP – AYR - 58 Fort Street** – Change of use of existing retail unit to form hot food takeaway.

Decided: by a majority, to approve the application subject to the following conditions:-

- (a) that the development hereby permitted shall be begun within three years of the date of this permission; and
- (b) 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.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

- (i) Ventilation within the kitchen areas requires to be adequate and suitable for the food handling/cooking carried out therein. In order to prevent the occurrence of a smell nuisance, the ventilation system in this area must be provided with suitable means of filtration e.g., grease and charcoal filters and extended ducting terminating at least one metre above eaves level, or alternatively the operation of the premises is limited to enclosed unit cooking.

List of Determined Plans:

Drawing - Reference No (or Description): DWG – 1;
Drawing - Reference No (or Description): DWG – 2;
Drawing - Reference No (or Description): 3 Rev. A;
Drawing - Reference No (or Description): 4 Rev. A; and
Drawing - Reference No (or Description): DWG – 5.

Reason for Decision (where approved):

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.

- (4) **10/001452/APP – SYMINGTON – Townend Terrace** – Erection of three dwellinghouses at plots 15, 16 and 17.

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (b) that the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority;
- (c) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority; and
- (d) that, prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to and approved in writing by the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interests of visual amenity; and
- (d) in the interest of residential and visual amenity.

List of Determined Plans:

Drawing - Reference No (or Description): 0105/LP;
Drawing - Reference No (or Description): 0105/100;
Drawing - Reference No (or Description): R51/R/05;
Drawing - Reference No (or Description): R51/R/06;
Drawing - Reference No (or Description): R51/R/50;
Drawing - Reference No (or Description): R59/S/05;
Drawing - Reference No (or Description): R59/S/06;
Drawing - Reference No (or Description): R59/S/50;
Drawing - Reference No (or Description): R82/R/05;
Drawing - Reference No (or Description): R82/R/06; and
Drawing - Reference No (or Description): R82/R/50.

Reason for Decision (where approved):

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.

- (5) **10/01641/APP –TROON – Marr College Playing Fields, Dundonald Road** - Formation of all-weather sports surface and erection of perimeter fence and floodlights.

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) that the floodlighting hereby approved shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of the Council's Environmental Health Service and to the satisfaction of the Planning Authority; and
- (d) that, prior to the commencement of works on site, details shall be submitted of the colour of the fencing, for the approval of the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of residential amenity; and
- (d) in the interest of visual amenity.

List of Determined Plans:

Drawing - Reference No (or Description): 10/372-01 REV. (A);
Drawing - Reference No (or Description): JNC S R 2.5 REV. A; and
Drawing - Reference No (or Description): 10/372-02 REV. A.

Reason for Decision (where approved):

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.

(6) 10/01581/APP – AYR – 14 James Brown Avenue – Alterations to dwelling flat.

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission; and
- (b) 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.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Drawing - Reference No (or Description): LOC PLAN;
Drawing - Reference No (or Description): MCEWAN – 001;
Other - Reference No (or Description): DOOR BROCHURE; and
Other - Reference No (or Description): EXIST PHOTO.

Reason for Decision (where approved):

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, the time being 11.25 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 minuted.

6. Somerset Park, Ayr.

With reference to the Minutes of 28th October 2010 (Page 571, paragraph 9), when it had been 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 this meeting,

there was submitted a report (issued) of 31st January 2011 by the Executive Director – Development and Environment

- (a) updating the Panel on the position regarding the required work to be undertaken on the floodlighting columns; and
- (b) recommending
 - (i) that the Panel note the contents of the report and agree that the General Safety Certificate remain in force; and
 - (ii) that, as work on the floodlighting pylons was in progress, the current position be noted and an update on the floodlighting pylons be included within the report on the Annual Inspection of Somerset Park, due to be placed before this Panel on Thursday, 21st April 2011.

The Panel heard the Team Leader – Building Standards in relation to the progress which had been made to date in relation to the floodlighting pylons and reporting that the deadline set by the Panel at the meeting of 28th October 2010 had not been met and the representatives from Ayr United Football Club responded

(A) advising

(I) that Ayr United was awaiting a grant from the Scottish Football Partnership Association to replace the floodlighting columns; and

(II) that planning permission had been applied for, for the removal of the floodlighting columns; and

(B) giving an undertaking

(I) that the floodlighting columns would be inspected prior to each home match to ensure they were safe; and

(II) that the floodlighting columns would be removed by the end of the second week in May 2011.

Decided:

(aa) to note the contents of the report and agree that the General Safety Certificate remain in force;

(bb) that, as work on the floodlighting pylons was in progress, the current position be noted and an update on the floodlighting pylons be included within the report on the Annual Inspection of Somerset Park, due to be placed before this Panel on Thursday, 21st April 2011; and

(cc) to note the undertakings given by the representatives of Ayr United Football Club that the floodlighting columns would be inspected prior to each home match to ensure they were safe and to remove the floodlighting columns by the end of the second week in May 2011.

7. Civic Government (Scotland) Act 1982 - Licences.

(a) Taxi Drivers.

(i) The Panel considered the application from John Woods.

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

- (ii) The Panel heard an observation from Strathclyde Police and the applicant, John Williams in response.

Councillor Goldie, seconded by Councillor Allan, moved that the application be approved for three years.

By way of Amendment, Councillor Campbell, seconded by Councillor Grant, moved that the application be approved for one year.

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

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

- (iii) The Panel heard an observation from Strathclyde Police and the applicant, William Fawcett, in response.

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

- (iv) The Panel heard an observation from Strathclyde Police and the applicant, Stephen Ferguson, in response.

Councillor Grant, seconded by Councillor Fitzsimmons, moved that the application be refused on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

By way of Amendment, Councillor Douglas, seconded by Councillor Goldie, moved that the application be approved for one year.

By way of Counter-Amendment, Councillor Allan, seconded by Councillor Campbell, moved that the application be approved for six months.

In accordance with the terms of the Council's Standing Orders, the Panel then firstly proceeded to vote on the terms of the Counter-Amendment by Councillor Allan and seconded by Councillor Campbell and the Amendment moved by Councillor Douglas and seconded by Councillor Goldie.

On a vote being taken by a show of hands, three Members voted for the Counter-Amendment and two Members voted for the Amendment. The Counter-Amendment was accordingly declared to be carried and became the substantive Amendment.

The Panel then proceeded to vote on the terms of the Motion moved by Councillor Grant and seconded by Councillor Fitzsimmons and the substantive Amendment moved by Councillor Allan and seconded by Councillor Campbell.

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

Decided: to refuse this application on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

(b) Private Hire Car Drivers.

The Panel heard an observation from Strathclyde Police and the applicant, Gordon Hogg, in response.

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

(c) Taxi Vehicle.

The Panel considered the proposed suspension of the licence currently held by Michael O'Ware as he had failed to present his car for annual inspection, in terms of Condition 3 of the Taxi Vehicle Licence and return his plates when requested.

Decided: to suspend the licence currently held by Michael O'Ware with immediate effect for the unexpired portion of the licence as he had failed to present his car for annual inspection and return his plates when requested.

8. 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 the following items of business, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

9. Civic Government (Scotland) Act 1982 - Licences.

(a) Taxi Drivers.

(i) The Panel heard a submission from Strathclyde Police and the representative for Thomas Lindores, considered the proposed suspension of the licence currently held by Mr. Lindores and adjourned for consideration of this matter.

Upon reconvening, Councillor Allan, seconded by Councillor Campbell, moved that the licence be suspended for six months.

By way of Amendment, Councillor Douglas, seconded by Councillor Goldie, moved that the licence be suspended for four months.

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

Decided: to suspend the licence currently held by Thomas Lindores for six months in terms of Paragraph 11(2)(a) of the Civic Government (Scotland) Act 1982, that the applicant is no longer a fit and proper person to hold a licence and Paragraph 11(2)(c), the carrying on of the activity to which the licence relates has caused a threat to public safety.

- (ii) The Panel heard an observation from Strathclyde Police and the applicant, Archibald Dickson, in response.

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

- (iii) The Panel heard an observation from Strathclyde Police and the applicant, Stephen Keenan, in response.

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

(b) Private Hire Car Drivers.

- (i) The Panel heard an observation from Strathclyde Police, the applicant, Gary Gilmour, in response and adjourned for consideration of this application.

Decided: upon reconvening, to refuse this application on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

- (ii) The Panel heard a submission from Strathclyde Police, Joseph Hamilton in response and considered the proposed suspension of the licence currently held by him.

Decided: to suspend the licence currently held by Joseph Hamilton with immediate effect for the unexpired portion of the licence in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The meeting ended at 3.30 p.m.