

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 18th August 2011 at 10.00 a.m.

For item 1:

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

Apology: Councillor John Allan.

Attending: C. Cox, Planning Manager; W. Carlaw, Acting Legal Manager; A. Browne, Senior Planning Development Case Officer; F. Sharp, Supervisory Planner; and A. Gibson, Committee Administrative Officer.

For items 2 to 7:

Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Ian Douglas, Sandra Goldie and Alec Oattes.

Apologies: Councillors John Allan, Ann Galbraith and Bill Grant.

Attending: K. Briggs, Principal Solicitor; G. Lauder, Senior Environmental Health Officer; R. Cairns, Team Leader (Building Standards); M. Douglas, Licensing Policy Officer; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Administrative Officer.

Also Attending: Inspector A. Clapperton and Sergeant U. Menzies, Strathclyde Police.

1. Applications for Planning Permission.

There were submitted reports (issued) of August 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) 11/00557/APP and 11/00571/CON – AYR – Templeton House, 40 Racecourse Road**
- Erection of care home and Demolition of existing building.

Decided:

- to refuse the application ref. 11/00557/APP on the following grounds:-
 - (a) that the proposed care home is contrary to the provisions of policy ENV6 of the approved Ayrshire Joint Structure Plan in that the proposals have an adverse effect on heritage resources, and are inappropriate in terms of scale, massing, design, materials and loss of trees, and the proposals do not safeguard the characteristics of the Ayr 2 Conservation Area or the setting of nearby listed buildings;

- (b) that the proposed care home is contrary to the provisions of policy STRAT5 of the adopted South Ayrshire Local Plan, in that the proposals do not safeguard the amenity and privacy of nearby dwellings and flats, as a result of overlooking and overshadowing/loss of light to rear garden areas and rear/side facing windows of properties at 38 and 42 Racecourse Road, Ayr, and in that the proposals are inappropriate in terms of scale, massing, design, materials and loss of trees and do not safeguard the characteristics of the Ayr 2 Conservation Area, or the setting of nearby listed buildings;
- (c) that the proposed care home is contrary to Policy BE1 of the adopted South Ayrshire Local Plan, in that the proposals do not represent a high standard of development which respects townscape character, whose design does not respect the locality in terms of building height, scale, massing and materials, and which does not respect the residential amenity of adjoining residential properties to the north and south of the site, in terms of not maintaining privacy and ambient daylight;
- (d) that the proposed care home is contrary to Policy BE2 of the adopted South Ayrshire Local Plan, in that the proposals by reason of their height, scale, massing and materials do not respect the setting of the Category C(s) listed building at 38 Racecourse Road, and other nearby listed buildings at 34 and 36 Racecourse Road, Ayr;
- (e) that the proposed care home is contrary to Policy BE3 of the adopted South Ayrshire Local Plan, in that the proposals by reason of their height, scale, massing, materials and loss of trees do not preserve or enhance the appearance of the Ayr 2 Conservation Area;
- (f) that the proposed care home is contrary to Policy BE5 of the adopted South Ayrshire Local Plan, in that the proposals do not represent a high standard of development, in that the proposals do not retain the original building of Templeton House, in that the new building does not respect the characteristics of the Ayr 2 Conservation Area, and in that the proposals are not sympathetic to the design features, character and proportions of the original property;
- (g) that the proposed care home is contrary to the provisions of Policy H7 of the adopted South Ayrshire Local Plan, in that the proposals do not safeguard the amenity and privacy of nearby dwellings and flats, as a result of overlooking from second and third floor windows of the care home, of rear garden areas and rear/side facing windows of the house at 38 Racecourse Road, Ayr, and the flats at 42 Racecourse Road, Ayr;
- (h) that the proposed care home is contrary to Policy H7 of the adopted South Ayrshire Local Plan in that the proposals will have a detrimental impact on the amenity of the house at 38 Racecourse Road, Ayr, and the flats at 42 Racecourse Road, Ayr by reason that the height, scale and massing of the nursing home will result in a sense of enclosure and loss of light to the rear garden areas, and rooms within the property at 38 Racecourse Road, and to the flats at 42 Racecourse Road, Ayr to the detriment of and enjoyment of their residential amenity;

- (i) that the proposed care home is contrary to Policy ENV12 of the adopted South Ayrshire Local Plan, in that the proposals will result in the loss of 13 trees within a conservation area to the detriment of the character and appearance of the Ayr 2 Conservation Area; and
 - (j) that the proposed care home is contrary to the provisions of Government guidance, Scottish Historic Environment Policy and Scottish Planning Policy in that the proposals have an adverse effect on heritage resources, and are inappropriate in terms of scale, massing, design, materials and loss of trees in that the proposals do not safeguard the character and appearance of the Ayr 2 Conservation Area, or the setting of nearby listed buildings; and
- to refuse the conservation area consent application ref. 11/00571/CON on the grounds that the proposal to demolish the former listed building 'Templeton House' was contrary to the provisions of Government policy and guidance as expressed in Scottish Planning Policy, Scottish Historic Environment Policy, the Historic Scotland publication entitled Managing Change in the Historic Environment(Demolition), the provisions of Policies ENV6 in the Ayrshire Joint Structure Plan and Policies STRAT5, BE3 and BE5 in the South Ayrshire Local Plan, for the following reasons:-
 - (i) the proposed demolition of the original Templeton House fails to preserve or enhance the character or appearance of the conservation area;
 - (ii) the former Templeton House is considered to be of substantial value in terms of the townscape and character of the conservation area;
 - (iii) no satisfactory evidence has been submitted which demonstrates that the building is beyond repair or that the structural condition of the existing building rules out its retention at reasonable cost;
 - (iv) no evidence has been submitted to state that the form and location of the existing building makes it difficult to re-use;
 - (v) there are no acceptable proposals for a new building on the site;
 - (vi) it has not been demonstrated that the building is not sufficiently important to retain; and
 - (vii) a compelling case, in terms of wider public benefits, has not been made in respect of the demolition of Templeton House, and the replacement building would have a detrimental impact on the character and appearance of the Ayr 2 Conservation Area.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): EXISTING BASEMENT FLOOR PLAN;
 Drawing - Reference No (or Description): EXISTING FIRST FLOOR PLAN;
 Drawing - Reference No (or Description): EXISTING GROUND FLOOR PLAN;
 Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): PROPOSED GROUND FLOOR PLAN;
 Drawing - Reference No (or Description): PROPOSED FIRST FLOOR PLAN;
 Drawing - Reference No (or Description): PROPOSED SECOND FLOOR PLAN;
 Drawing - Reference No (or Description): PROPOSED FRONT ELEVATION;
 Drawing - Reference No (or Description): PROPOSED NORTH COURTYARD/WEST RE
 Drawing - Reference No (or Description): PROPOSED SOUTH/SOUTH
 COURTYARD E
 Drawing - Reference No (or Description): PROPOSED BLOCK PLAN; and
 Drawing - Reference No (or Description): EXISTING AND PROPOSED FRONT
 ELEV.

Adjournment.

The time being 10.50 a.m., it was agreed that the meeting be adjourned for five minutes.

Resumption of meeting.

The meeting resumed at 10.55 a.m.

- (2) **11/00460/FURM –DUNDONALD – Hillhouse Quarry, North east of Troon –** Further application to delete condition 6 of Notice of Determination reference CE/5/2 stating that the limit of excavations for the 15 year period from the date of conditions being approved shall be restricted to the area outlined blue and yellow on the submitted plans.

Decided: to agree that the application be approved and that condition 6 of the Notice of Determination CE/5/2 be deleted.

Reason:

In the interest of clarifying that the requirement to restrict extraction activity up until the year 2014 is no longer justified.

Advisory Note:

None.

List of Determined Plans:

EIA Screening Plan; and
 Location Plan.

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.

Councillor Goldie left the meeting during consideration of the undernoted planning application:-

- (3) **11/00683/APP – PRESTWICK – 124a St. Quivox Road** – Change of use from dwellinghouse to form retail unit (class 1).

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

- (a) that the development proposal is contrary to Strategic Policy RET1 and Policy RET8 of the Adopted South Ayrshire Local Plan in that it comprises new retail development located in an established residential area, and which is not located within Prestwick town centre or a neighbourhood centre;
- (b) that the development proposal is contrary to Strategic Policy STRAT5 of the Adopted South Ayrshire Local Plan by virtue of generating increased noise and activity, particularly at concentrated times of the day and/or evening, which would detract from the character and amenity of this established residential area;
- (c) that the development proposal is contrary to Policy H7 of the Adopted South Ayrshire Local Plan as it comprises a non-residential use that would generate increased noise and activity in this established residential area, particularly at concentrated times of the day and/or evening, which would detract from the character and amenity of this established residential area; and
- (d) that the development proposal is contrary to Policy BE1 of the Adopted South Ayrshire Local Plan as it comprises a non-residential use that would generate increased noise and activity in this established residential area, particularly at concentrated times of the day and/or evening, which would detract from the character and amenity of this established residential area.

List of Determined Plans:

Drawing - Reference No (or Description): 11-04-LP;
 Drawing - Reference No (or Description): 11-04-BLOCK;
 Drawing - Reference No (or Description): 11-04-01; and
 Drawing - Reference No (or Description): 11-04-02.

- (4) **11/00678/APP – AYR – University of Paisley, Craigie Campus, Beech Grove** – Erection of timber clad enclosure.

Decided: that the application be approved subject to the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plans 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; and
- (b) that notwithstanding the plans hereby approved, all proposed materials to be used on external surfaces shall match the existing student residential building to the satisfaction of the Planning Authority.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) to ensure that materials are appropriate for the site and in the interests of visual amenity.

Advisory Notes:

None.

List of Determined Plans:

L (-2) 001 Rev. D (Location Plan); and
L-(97) 002 Rev. B (Proposed Plans).

Reason for Decision:

The principle of the development hereby approved can be justified in terms of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

Councillor Goldie re-joined the meeting at this point.

- (5) **11/00714/PPP – MAYBOLE – Carrick Academy, 72-74 Kirkoswald Road** – Planning Permission in principle for the erection of a new changing facilities pavilion.

Decided: to note that the application had been withdrawn by the applicant.

Declaration of Interest.

Councillor Galbraith declared an interest in the following application as this application required to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the applicant was an Elected Member of the Council and Councillor Galbraith withdrew from the meeting during consideration thereof:-

- (6) **11/00587/APP – CROSSHILL – 1 Newton Street** – Installation of replacement windows.

Decided: that the application be approved 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 plans 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; and
- (c) that notwithstanding the plans hereby approved, the proposed replacement windows shall be white in colour and match that of the existing number of panes and the astragals shall be positioned so as to form individual panes to the satisfaction 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; and
- (c) to safeguard the character and appearance of the conservation area.

List of Determined Plans:

Drawing - Reference No (or Description): - LOCATION PLAN;
Other - Reference No (or Description): PHOTO OF EXISTING WINDOWS; and
Other - Reference No (or Description): SUPPORTING DOCUMENTATION -
PROPOSED WINDOW SPECIFICATION.

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, the time being 11.35 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

2. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

3. 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.

4. Somerset Park, Ayr.

Reference was made to the Minutes of 21st April 2011 (Page 277, paragraph 8) when it had been decided

- (1) to note the contents of the report;
- (2) to agree that the General Safety Certificate should remain in force on condition that any outstanding items, as detailed within the report, were satisfactorily concluded by 14th July 2011;
- (3) to agree to submit a report to this meeting to update the Panel on the position regarding the floodlighting column replacement project; and

- (4) to agree that a site visit to Somerset Park should take place by members of the Panel following the summer recess period,

and there was submitted a report (issued) of 22nd July 2011 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) advise that he had undertaken a site visit to Somerset Park, that two of the new floodlighting columns were now in place, that the other two columns should be erected by the end of the week and that he would be undertaking a further site visit on Tuesday, 23rd August 2011.

Decided: to note the contents of the report.

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

(a) **Taxi Drivers.**

- (i) The Panel heard an observation from Strathclyde Police in relation to the application from Michael Kelly 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 considered the application from David Vallance.

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

- (iii) The Panel heard an objection from Strathclyde Police and the applicant, Robert Thomson, in response.

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.

- (iv) The Panel heard from John Wallace in relation to his application.

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

- (v) The Panel heard an observation from Strathclyde Police and considered the application from Kerr Harris.

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

- (vi) The Panel heard from William Crossan in relation to his application.

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

(vii) The Panel heard from Michael Galloway in relation to his application.

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

(viii) The Panel heard from Ann Gordon in relation to her application.

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

(ix) The Panel heard an observation from Strathclyde Police and the applicant, Sarah Dunlop, in response.

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

(x) The Panel heard from Edward Shatford in relation to his application.

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

(xi) The Panel heard from Allan Rennie in relation to his application.

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

(xii) The Panel heard from Christopher Tyson in relation to his application.

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

(b) Street Traders.

(i) Fiona Wilson for Sale of Hot Food, Drink and Snacks.

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

(ii) Rysard Laska for Sale of Candy Floss, Popcorn, Balloons and Twist Potatoes.

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

(c) **Late Hours Catering.****Shahid Sadiq for 12 Carrick Street, Ayr, KA7 1NS.**

The Panel heard from the applicant's representative in relation to this matter.

Decided: to approve this application for three years, the approved hours being every Friday and Saturday from 11.00 p.m. to 3.00 a.m., subject to standard conditions as previously agreed and a further condition that stewards would be required on a Friday and Saturday between midnight and close of business.

(d) **Second Hand Car Dealer.****Matthew Walmesley-Browne for 16 New Road, Ayr.**

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

(e) **Houses in Multiple Occupation.**(i) **Leonardo Ippolito for premises at 8 Dalblair Road, Ayr, KA7 1LU.**

The Panel heard from the applicant, his representative, the objector and the Senior Environmental Health Officer in relation to this application.

Councillor Oattes, seconded by Councillor Douglas, moved that consideration of this application be continued to the next meeting of this Panel, scheduled to be held on Thursday, 15th September 2011.

By way of Amendment, Councillor Fitzsimmons, seconded by Councillor Goldie, moved that the application be refused as the applicant was not a fit and proper person to be the holder of the licence.

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

Decided: to continue consideration of this application to the next meeting of this Panel, scheduled to be held on Thursday, 15th September 2011.

(ii) **The University of the West of Scotland for premises at UWS Residences, Craigie Walk, University Campus, Ayr.**

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

6. **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 following items of business on the agenda, 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.

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

(a) **Taxi Driver.**

The Panel heard from George Sharp and adjourned for consideration of this application.

Upon reconvening, Councillor Fitzsimmons, seconded by Councillor Campbell, moved refusal of this application as the applicant was not a fit and proper person to be the holder of the licence.

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

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

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

(b) **Late Hours Catering.**

Raymond Cheng for 23 South Harbour Street, Ayr, KA7 1JA.

The Panel heard from Strathclyde Police, the Senior Environmental Health Officer and the applicant in relation to this application.

Decided: to approve this application for three years, the approved hours being every Monday to Thursday inclusive from 11.00 p.m. to 1.00 a.m. and every Friday to Sunday inclusive from 11.00 p.m. to 2.30 a.m., subject to standard conditions as previously agreed.

The meeting ended at 3.30 p.m.