

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 24th November 2011 at 10.00 a.m.

For items 1 and 2:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.
- Attending: W. Carlaw, Acting Legal Manager; C. Cox, Planning Manager; M. McClelland, Development Management and Business Change Team Leader; A. Browne, Senior Planning Development Case Officer; G. Fiddes, Team Leader (Traffic and Transport); and A. Gibson, Committee Administrative Officer.

For items 3 to 7:

- Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.
- Apology: Councillor John Allan.
- Attending: C. Neillie, Solicitor; J. Hodge, Policy Officer (Policy and Strategy); M. Douglas, Licensing Policy Officer; and J. McClure, Committee Administrative Officer.
- Also Attending: Inspector A. Clapperton, Sergeant U. Menzies and Constable I. Bain, Strathclyde Police.

1. Orders Under the Road Traffic Regulation Act 1984.

There were submitted reports (issued) of November 2011 by the Executive Director - Development and Environment seeking approval to make the following Orders under the Road Traffic Regulation Act 1984:-

- (1) the "South Ayrshire Council (Disabled Persons' Parking Places) Order 2011";
- (2) the "South Ayrshire Council (Newmarket Street and Sandgate, Ayr) (Relocation of Disabled Persons' Parking Places) Order 2011"; and
- (3) the "South Ayrshire Council (Templehill, Troon) (Taxi Bays and Relocation of Disabled Persons' Parking Places) Order 2011".

Having heard questions from Members of the Panel relating to the Orders detailed at (1) and (2) above, the Team Leader (Traffic and Transport) responded accordingly.

Decided: to approve the making of the above-named Orders.

2. **Applications for Planning Permission.**

There were submitted reports (issued) of November 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) **11/01146/APP – AYR – Crofthead Caravan Park, C74 from B742 North-East of Bowmanston – A70 at Old Toll, East of Ayr** - Change of use of agricultural land to form extension to caravan park with associated services.

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 proposed caravans shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation;
- (d) that the caravans shall be sited and occupied in accordance with any site licence and associated conditions;
- (e) that a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority and implemented within a timescale to be agreed in writing with the Planning Authority before occupation of any of the proposed caravans. For the avoidance of doubt this shall include the planting of native tree species at intervals along the northern and southern boundaries of the application site;
- (f) that off-street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (g) that no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a foul drainage connection to the existing public sewer network. This information shall be provided in writing to the Planning Authority and thereafter shall be agreed with Scottish Water and the Scottish Environment Protection Agency (SEPA);
- (h) that the caravans shall not be occupied until the site is served by the sewerage scheme constructed in accordance with condition 7 above and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority and SEPA; and

- (i) 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.

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) the site lies within a rural area where the Planning Authority considers that new residential development is appropriate when justified as contributing towards tourism growth within South Ayrshire;
- (d) in the interests of the proper planning of the area and visual amenity;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (f) in the interest of road safety and to ensure adequate off-street parking provision and to reduce the potential for congestion and obstruction caused by off-site car parking;
- (g) to ensure the appropriate drainage of the site;
- (h) to ensure the proper drainage of the site; and
- (i) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

List of Determined Plans:

Drawing - Reference No (or Description): 11.022:LP01;
Drawing - Reference No (or Description): 11.022:EX01;
Drawing - Reference No (or Description): 11.022:P01; and
Drawing - Reference No (or Description): 11.022:P02.

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.

- (2) **11/00767/APP – GIRVAN – North Ballaird Farm, Lendalfoot** – Erection of wind turbine.

Councillor Oattes, seconded by Councillor Allan, moved that the application be refused as this proposal would have a cumulative impact on the whole of the South Carrick area and that it was contrary to policies ENV2 and ENV8 of the adopted South Ayrshire Local Plan.

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, four members voted for the Amendment and four for the Motion. The Chair exercised his casting vote in favour of the Amendment.

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 planning permission of the wind turbine shall be for a maximum period of 25 years from the date of the erection of the wind turbine on site. The applicant shall confirm in writing with the Planning Authority the commencement date of the erection of the wind turbine under the consent hereby granted, prior to the implementation of the permission;
- (c) 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;
- (d) that the wind turbine hereby granted planning permission shall be removed from the site and the use discontinued on or before the expiry of the 25 years consent. The applicant shall, within 1 month of the expiry of the 25 year consent referred to in condition 1, submit details and a suitable timescale required for the reinstatement of the land for the written approval of the Planning Authority;
- (e) that a construction statement that describes the method and timing of the construction works, including the formation of access tracks, works to connect the turbines to the National Grid and proposals for safeguarding all important natural heritage features, shall be submitted to and approved in writing by the Planning Authority;
- (f) that the infrastructure required to link the turbine to the National Grid shall be buried underground to the satisfaction of the Planning Authority. Full details of the route of all cabling and details of all restoration works shall be submitted for the written approval of the Planning Authority prior to the commencement of works on site;
- (g) that no vegetation shall be cleared in the locality of the site during the bird breeding season (March to July inclusive);

- (h) the wind turbine noise immission level, when measured at the nearest noise sensitive premises, for wind speeds up to 10 m/s at a height of 10m, during daytime (0700 to 2300) shall not exceed 35dB(A) $L_{A90,10min}$ or the measured $L_{A90,10min}$ (background) noise level plus 5dB(A), whichever is the greater;
- (i) night time (2300 to 0700) value must not exceed 38dB(A) $L_{A90,10min}$ where measured at the nearest noise sensitive dwelling, or the measured $L_{A90,10min}$ (background) noise level plus 5dB(A), whichever is the greater;
- (j) in the case of properties where the occupier has some financial involvement in the wind turbine, the noise immission limits may be increased to the higher of 45 dB $L_{A90,10min}$ or 5dB above the prevailing background noise level for both daytime and night-time; and
- (k) that no work shall commence on the Site until the applicant/developer has provided the Ministry of Defence and the Council, as Planning Authority, with a written statement with the following information:-
- the date construction starts and ends;
 - the maximum height of construction equipment; and
 - the latitude and longitude of the turbine(s).

The Ministry of Defence contact details are as follows; Defence estates, Operations North, Safeguarding Wind Energy, Kingston Road, Sutton Coalfield, B75 7RI telephone 01213112195.

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 define the duration of the planning permission;
- (c) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (d) to protect landscape quality, and ensure the reinstatement of the site to a satisfactory standard;
- (e) to protect landscape quality;
- (f) to protect landscape quality and ensure the satisfactory restoration of the land;
- (g) in the interests of wildlife protection;
- (h) to (j) to avoid noise disturbance in the interests of residential amenity; and
- (k) to ensure that the Ministry of Defence is aware of the details of the development, in the interest of aviation safety.

List of Determined Plans:

Drawing - Reference No: Location Plan;
 Drawing - Reference No: Locality Plan; and
 Drawing - Reference No: 0140-AD-00281 DEV 02 1/1.

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.

- (3) **11/00964/APP – AYR – Golden Disc, Low Green, Esplanade** – Part change of use of recreational land to form patio and outdoor seating area.

Adjournment of Meeting.

At this point, the time being 11.15 a.m., the Panel agreed to adjourn for five minutes.

Resumption of Meeting.

The meeting resumed at 11.20 a.m.

At this point, Councillor Galbraith had left the meeting.

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

- (a) that the application is contrary to the South Ayrshire Local Plan Policy STRAT5, TOUR3, ENV5 and BE3 in that the change of use represents a private commercial use to the detriment of the wider public amenity of the area of public open space which is also proposed to form an extension to Ayr I Conservation Area; and
- (b) that the development is contrary to Scottish Planning Policy (SPP) and Planning Advice Note 65 in that the development will represent the loss of public open space to a commercial use which will have a detrimental impact on the environmental quality and amenity of the Low Green as a public open space.

List of Determined Plans:

Drawing - Reference No (or Description): 10/378 01; and
Drawing - Reference No (or Description): 10/378 02.

- (4) **11/01039/APP – AYR– Lock-ups to rear of 90 Prestwick Road** – Alterations and extension to lock-up.

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 notwithstanding the plans hereby approved, all proposed materials to be used on external surfaces shall match the existing garage to the satisfaction of the Planning Authority;

- (d) 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 is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and
- (e) that the existing off-road parking provision shall be retained within existing site boundaries.

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) to ensure that materials are appropriate for the site and in the interests of visual amenity;
- (d) in the interest of road safety and to avoid the discharge of water on to the public road; and
- (e) in the interest of road safety and to ensure adequate off-street parking provision.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): 09.21.01;
 Drawing - Reference No (or Description): 09.21.02
 Drawing - Reference No (or Description): 09.21.03; and
 Drawing - Reference No (or Description): 09.21.04.

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.

- (5) **11/01049/FURM – AYR – Ayr Racecourse, 2 Whitletts Road and land to the north of Craigie Way** – Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 1 of planning consent 07/01319/REM to extend the timescale to allow more time for the development to start.

Decided: to agree that condition 1 of planning permission be replaced as follows:-

- (a) that the development hereby permitted shall be commenced prior to 12th October 2014.

Reason:

- (a) to extend the period within which development shall be commenced.

List of Determined Plans:

Location Plan; and
Site 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

- (6) **11/01051/FURM – AYR – Ayr Racecourse, 2 Whitletts Road** – Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 1 of planning consent 07/00680/REM to extend the timescale to allow more time for the development to start.

Decided: to agree that condition 1 of planning permission be replaced as follows.

- (a) that the development hereby permitted shall be commenced prior to 12th October 2014,

Reason:

- (a) to extend the period within which development shall be commenced.

List of Determined Plans:

Location Plan; and
Site 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

At this point, the time being 11.50 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

3. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

4. 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.

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

(a) **Taxi Vehicle.**

The Panel heard an observation from Strathclyde Police in relation to the two applications from John Grigor and heard the applicant in response.

Decided: to approve these applications for three years, subject to standard conditions as previously agreed.

(b) **Taxi Drivers.**

- (i) The Panel heard an observation from Strathclyde Police and the applicant, Stewart Gibson, in response.

Councillor Grant, seconded by Councillor Goldie, moved that the application be approved for one year.

By way of Amendment, Councillor Douglas, seconded by Councillor Campbell, moved that the application be approved for three years.

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

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

- (ii) The Panel heard an observation from Strathclyde Police in relation to the application from Ian McKillops. Mr. McKillops was present but advised that, as he had submitted a letter to the Panel, he had nothing further to say in support of his application.

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

- (iii) The Panel considered the application from Andrew Chalmers.

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

- (iv) The Panel heard an objection from Strathclyde Police in relation to the application from Imran Sarwar.

Decided: in the absence of the applicant, but having been advised the applicant had been properly cited to attend the Panel, 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.

- (v) The Panel considered the request from John Atkins for exemption from wheelchair work.

Decided: to approve the request from John Atkins for exemption from wheelchair work for the remaining term of his licence and to note that the Licensing Section would supply the licenceholder with a letter outlining this exemption for the perusal of wheelchair using passengers.

- (vi) The Panel considered the letter from Strathclyde Police requesting suspension of the licence currently held by Anthony White.

Decided: in the absence of the applicant,

(A) that under Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the licence currently held by Anthony White be suspended with immediate effect as he was a threat to public safety; and

(B) that this matter be reconsidered at a Regulatory Panel (Special) scheduled to be held on Thursday, 22nd December 2011.

- (vii) The Panel considered the letter from Strathclyde Police requesting suspension of the licence currently held by John Gemmell.

Decided: in the absence of the applicant,

(A) that under Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the licence currently held by John Gemmell be suspended with immediate effect as he was a threat to public safety; and

(B) that this matter be reconsidered at a Regulatory Panel (Special) scheduled to be held on Thursday, 22nd December 2011.

(c) **Late Hours Catering.**

Narinder Singh for Uno's Takeaway, 88 Sandgate, Ayr, KA7 1BX.

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

Decided: to approve this application for three years, the approved hours being every Monday to Wednesday inclusive from 11.00 p.m. to 1.00 a.m., every Thursday and Sunday from 11.00 p.m. to 1.30 a.m.; and every Friday and Saturday from 11.00 p.m. to 2.30 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.

6. **Late Hours Catering Licence – Application for Variation.**

Marsha Anne Yilmaz for “Midnight Express”, 1B Arthur Street, Ayr.

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

Decided: to approve this application from 1st December 2011 to 2nd January 2012 inclusive, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 4.30 a.m., subject to standard conditions as previously agreed.

7. **Housing (Scotland) Act 2006.**

Houses in Multiple Occupation.

(a) **AGAA Properties and David McCulloch for premises at 14 Cassillis Street, Ayr.**

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

(b) **Shane Wilson and James Groves for premises at 1 Craigie Way, Ayr.**

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

The meeting ended at 2.25 p.m.