

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 25th November 2010 at 10.00 a.m.

For Items 1 to 3:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ann Galbraith, Sandra Goldie and Alec Oattes.
- Apologies: Councillors Ian Douglas and Bill Grant.
- Attending: C. Cox, Planning Manager; W. Carlaw, Acting Legal Manager; D. Burns, Manager (Housing Policy and Strategy); F. Sharp, Supervisory Planner; E. Kelty, Engineering/Technical Officer (Operations); and A. Gibson, Committee Administrative Officer.

For Items 4 to 7:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.
- Apology: Councillor Ian Douglas.
- Attending: C. Neillie, Solicitor; M. Douglas, Licensing Policy Officer; and J. McClure, Committee Administrative Officer.
- Also Attending: Chief Inspector A. Sweeney and D. Hastings, Strathclyde Police.

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. South Ayrshire Council (Disabled Persons' Parking Places) Order 2010.

There were submitted a report (issued) of 9th November 2010 by Executive Director - Development and Environment seeking approval to make the South Ayrshire Council (Disabled Persons' Parking Places) Order 2010.

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

3. Applications for Planning Permission.

There were submitted reports (issued) of November 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:-

- (1) **10/01042/PPP – MAYBOLE – 42 Ladyland Road** - Planning permission in principle for erection of a care home and residential development.

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

- (a) that formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;
- (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 at the Approval of Matters Specified in Conditions stage, the detailed plans shall include suitably scaled block layout plans showing:-
 - Existing ground levels;
 - Proposed ground levels; and
 - Finished floor levels of each proposed dwellinghouse;
- (d) that the development shall comply with the Council's Planning Policy No.4 'The Provision of Private and Public Open Space and Play Areas within New Residential Areas'. At the Approval of Matters Specified in Conditions stage detailed supporting information illustrating compliance with Planning Policy No. 4 shall be submitted for the approval of the Planning Authority;
- (e) that in terms of condition 1 above, at Approval of Matters Specified in Conditions stage or at the submission of the first full planning application for the first phase of the development, a phasing plan which sets out the programme of works shall be submitted detailing the proposed phasing for the provision of the roads. This phasing programme shall also include the phasing of the housing development, structural landscaping, provision of play equipment and other associated works for each phase of the development, all to the satisfaction of and the approval of the Planning Authority;
- (f) that the housing development shall comply with the Council's Planning Policy H13 of the adopted South Ayrshire Local Plan and Supplementary Planning Guideline 'New Housing Developments and Affordable Housing'. At the Approval of Matters Specified in Conditions stage full information illustrating compliance with Policy H13 shall be submitted for the approval of the Planning Authority;

- (g) that at the Approval of Matters Specified in Conditions stage, a comprehensive contaminated land investigation shall be submitted. The investigation shall be completed in accordance with a recognised Code of Practice such as British Standards Institution 'The investigation of potentially contaminated sites Code of Practice' (BS 10175: 2001). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33;
- (h) that where the risk assessment identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the formal prior written approval of the Council as Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority;
- (i) that junction access visibility sightline splays of 2.5 metres by 35 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (j) that off-road parking spaces shall be provided in accordance with the Council's Roads Development Guide within the existing site boundaries prior to completion of the development; and
- (k) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres.

Reasons:

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 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 residential and visual amenity and to ensure that there is no significant detrimental impact on adjacent properties;
- (d) to comply with Local Plan policies and Supplementary Planning Guidelines and in the interests of the proper planning of the area;
- (e) to comply with Local Plan policies and in the interests of the proper planning of the area;
- (f) to comply with Local Plan policies and Supplementary Planning Guidelines and in the interests of the proper planning of the area;
- (g) to ensure potential risks arising from previous site uses have been fully assessed;
- (h) to ensure the proposed remediation plan is suitable;
- (i) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (j) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning; and
- (k) in the interest of road safety and to ensure adequate off-street parking provision

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION and SITE PLAN.

Reason for Decision:

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

The Panel further agreed that the application for the Approval of Matters Specified in Conditions be referred to this Panel at which time further consideration be given to affordable housing, taking account of the Council's affordable housing policy.

- (2) **10/01346/APP and 10/01347/CON – AYR – The Shieling, 10 Racecourse Road –** Demolition of garage and erection of dwellinghouse and garage.

Decided: to agree to continue consideration of the application to a Regulatory Panel (Special), to allow a site visit to be conducted.

- (3) **10/01446/APP – AYR – Land in front of 72-82, Midton Road –** Erection of a dwellinghouse.

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

- (a) that the proposal to erect a house is contrary to Policy STRAT5 of the adopted South Ayrshire Local Plan in that the proposed development, by reason of loss of front lawn for the donor property, by reason of its form and materials, and by reason of the relatively small plot, represents development which is inappropriate in terms of its siting and setting and not characteristic of the Ayr 2 Conservation Area at the locality;
- (b) that the proposal to erect a house is contrary to Policy ENV6 of the approved Ayrshire Joint Structure Plan in that the proposed development, by reason of loss of front lawn for the donor property, by reason of its form and materials, and by reason of the relatively small plot, represents development which is not characteristic of the Ayr 2 Conservation Area at the locality;
- (c) that the proposal to erect a house is contrary to Policy BE1 of the adopted South Ayrshire Local Plan in that the proposed development, by reason of loss of front lawn for the donor property, by reason of its form and materials, and by reason of the relatively small plot, represents development which is not characteristic of the Ayr 2 Conservation Area at the locality;
- (d) that the proposal to erect a house is contrary to Policy BE3 of the adopted South Ayrshire Local Plan in that the proposed development, by reason of loss of front lawn for the donor property, by reason of its form and materials, and by reason of the relatively small plot, represents development which is not characteristic of the Ayr 2 Conservation Area at the locality;
- (e) that the proposal to erect a house is contrary to Policy BE5 of the adopted South Ayrshire Local Plan in that the proposed development, by reason of loss of front lawn for the donor property, by reason of its form and materials, and by reason of the relatively small plot, represents development which is not characteristic of the Ayr 2 Conservation Area at the locality;

- (f) that the proposal to erect a house is contrary to the provisions of Council Planning Policy No.4 'The Provisions of Private and Public Open Space and Play Areas within New Residential Areas' in that the proposed development, by reason of loss of front lawn for the donor property, and by reason of the relatively small plot, represents development which is not characteristic of the residential area at the locality;
- (g) that the proposal to erect a house is contrary to the provisions of Council Planning Policy No.4 'The Provisions of Private and Public Open Space and Play Areas within New Residential Areas' by reason of the position of the house, and the ratio of built form to garden ground not respecting the characteristics of the locality; and
- (h) that the proposal to erect a house is contrary to Scottish Planning Policy in that the infill development does not respect the form and density of its surroundings, and enhance the character of residential areas, by reason of loss of front lawn for the donor property, and by reason of the relatively small plot, and represents development which is not characteristic of the residential area at the locality.

List of Determined Plans:

- Drawing - Reference No (or Description): LOCATION PLAN;
- Drawing - Reference No (or Description): EXISTING AND PROPOSED BLOCK PLANS;
- Drawing - Reference No (or Description): SITE COVERAGE ANALYSIS PLAN;
- Drawing - Reference No (or Description): EXISTING AND PROPOSED BLOCK PLANS;
- Drawing - Reference No (or Description): PROPOSED SITE PLAN;
- Drawing - Reference No (or Description): PROPOSED FLOOR AND ROOF PLANS;
- Drawing -Reference No (or Description): PROPOSED SOUTH AND WEST ELEVATIONS;
- and
- Drawing - Reference No (or Description): PROPOSED NORTH AND EAST ELEVATIONS

- (4) 10/01216/APP and 10/01217/LBC – GIRVAN – Davidson Cottage Hospital, The Avenue** – Alterations and change of use of former hospital to form residential development and associated works.

Decided: to approve planning application (Ref.10/01216/APP) 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 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;
- (d) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of allowing service vehicles to turn within the site boundaries whilst accessing the proposed bin storage area. The turning area shall be in accordance with the Council's Roads Development Guide and shall be constructed as approved prior to the development being occupied; and

- (e) that prior to completion of the development any gates shall open inwards away from the public roadway.

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 the proposed alterations do not detract from the traditional character or appearance of the listed building or the setting of the adjacent conservation area and in order to retain proper control over the development proposal;
- (d) to enable service vehicles to enter and leave the site in forward gear and in the interests of road safety; and
- (e) in the interest of road safety.

It was further agreed that the listed building application (Ref. 10/01217/LBC) be approved subject to following conditions and referral to Historic Scotland:-

- (i) that the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent;
- (ii) 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; and
- (iii) that a detailed method statement providing precise details and specifications of the detailed siting of fittings, concealment of cable runs and measures to minimise fixings on the stonework shall be submitted for the prior written approval of the Council as Planning Authority before any work commences on site.

Reasons:

- (i) to be in compliance with section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (ii) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (iii) to ensure that the proposed alterations do not detract from the traditional character or appearance of the listed building or the setting of the adjacent conservation area and in order to retain proper control over the development proposal.

List of Determined Plans:

Drawing - Reference No (or Description): PROPOSED SITE PLAN;
 Drawing - Reference No (or Description): EXISTING LOCATION PLAN and SITE PLAN;
 Drawing - Reference No (or Description): EXISTING FLOOR PLANS;
 Drawing - Reference No (or Description): EXISTING ELEVATIONS and SECTION (MAIN HOSPITAL);
 Drawing - Reference No (or Description): EXISTING ELEVATIONS and SECTION A-A;
 Drawing - Reference No (or Description): EXISTING PLAN and ELEVATIONS (DAY HOSPITAL);
 Drawing - Reference No (or Description): PROPOSED FLOOR PLANS;
 Drawing - Reference No (or Description): PROPOSED UPPER FLOOR PLAN;
 Drawing - Reference No (or Description): PROPOSED ELEVATIONS and SECTION B-B;
 Drawing - Reference No (or Description): PROPOSED ELEVATIONS and SECTION A-A;
 Drawing - Reference No (or Description): PROPOSED FLOOR PLANS and ELEVATION (FORMER DAY HOSPITAL); and
 Drawing - Reference No (or Description): EXISTING and PROPOSED ELEVATIONS.

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. Civic Government (Scotland) Act 1982 - Licences.

(a) Taxi Drivers.

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

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

- (ii) The Panel heard the applicant, Gilbert McKissock in relation to his application.

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

- (iii) The Panel heard the applicant, Calum Dalton, in relation to his application.

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

- (iv) The Panel considered the application to recall the suspension of the licence previously held by Kevin McIvor.

Decided: having heard that the applicant had now successfully completed the training course and submitted his Certificate of completion, the Panel agreed to recall the suspension of this licence.

- (v) The Panel heard an observation from Strathclyde Police and the applicant, John Clark, in response and, following questions, adjourned for consideration of this application.

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

- (vi) The Panel heard an observation from Strathclyde Police and the representative for the applicant, Alan Colquhoun, in response.

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

- (vii) The Panel heard the applicant, Peter Cassidy, in relation to his application.

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

- (viii) The Panel considered the application from Thomas Allam.

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

- (ix) The Panel heard from Strathclyde Police and the licenceholder's representative in response and adjourned to consider the proposed suspension of the licence held by David Ganson.

Upon reconvening, Councillor Fitzsimmons, seconded by Councillor Grant, moved that the licence be suspended with immediate effect for its unexpired portion.

By way of Amendment, Councillor Goldie, seconded by Councillor Oattes, moved that the licence should not be suspended.

On a vote being taken by a show of hands, four members voted for the Amendment and three for the Motion and the licence was not suspended.

Decided: to take no action and not to suspend the licence.

(b) Private Hire Car Vehicle.

The Panel considered the proposed suspension of the licence held by Christopher Bird and Proximo Ltd. as he had failed to present his car for annual inspection in terms of Condition 3 of the Private Hire Car Vehicle Licence.

Decided: to suspend the licence held by Christopher Bird and Proximo Ltd. with immediate effect as he had failed to present his car for annual inspection in terms of Condition 3 of the Private Hire Car Vehicle Licence.

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

“Midnight Express”, 1B Arthur Street, Ayr.

Decided: to approve the application from 1st December 2010 to 2nd January 2011 inclusive, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 4.30 a.m.

7. **Chair’s Remarks.**

The Chair thanked Strathclyde Police and officers in the Council’s Legal, Licensing and Committee Sections for their hard work throughout the year and, as this was the last Regulatory Panel of 2010, wished everyone a Merry Christmas and Happy New Year.

The meeting ended at 2.40 p.m.