

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 16th September 2010 at 10.00 a.m.

For Items 1 to 2:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie and Bill Grant.
- Apology: Councillor Alec Oattes.
- Attending: C. Cox, Planning Manager; W. Carlaw, Acting Legal Manager; C. Parish, Priority Projects Team Leader; M. McClelland, Development Management and Business Change Team Leader; E. Kelty, Engineering/Technical Officer (Operations); and D. Knight, Committee Services Officer.

For Items 3 to 5:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith and Sandra Goldie.
- Apologies: Councillors Bill Grant and Alec Oattes.
- Attending: C. Neillie, Solicitor; M. Douglas, Licensing Policy Officer; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Administrative Officer.
- Also Attending: Inspector A. Henderson and Sergeant U. Menzies, Strathclyde Police.

1. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) 10/00911/FURM – AYR – Alexander Sawmills Ltd., Heathfield Road-** Further application so as not to comply with condition 1 of planning permission (Ref:05/00108/OUT).

Decided: to agree that the Depute Chief Executive and Executive Director – Development and Environment be given delegated powers to approve this application, subject to a variation to an existing legal agreement regarding the provision of a path/cycleway linking the site to Heathfield Road, transport integration with the existing car park on the adjoining site (known locally as the “Heathfield Retail Park”), and a works bond, and subject to the following conditions:-

- (a) that a formal application indicating the siting, design, external appearance of, and means of, access to the proposed development is submitted to and approved by the council before commencement of development. This application shall be made no later than 6th November 2013 and the proposed development shall commence by 6th November 2015 or within two years of the date of the approval of the formal application, whichever is the sooner, to comply 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) that the conditions (2) to (28) inclusive, reasons (2) to (28) inclusive and notes (1) to (4) inclusive of planning permission 05/00108/OUT shall remain and form part of planning permission 10/00911/FURM.

Reasons:

- (a) to be in compliance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) in order to retain proper planning control over the site in accordance with planning permission 05/00108/OUT.

List of Determined Plans:

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.

- (2) **10/0173/APP – AYR – 65 Auchendoon Crescent** – Alterations and extension to dwellinghouse.

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

- (3) **010/01109/APP – TROON – Marr College Playing Fields, Dundonald Road** – Temporary siting of storage container.

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

- (a) that the approval for the proposed structures is limited to 3 years from the date of this consent when the structures shall be removed from the site and the land be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority; 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) the use of the land is of a temporary nature and is only acceptable as a temporary expedient; 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): 10/353-01 REV. A
 Other - Reference No (or Description): PHOTO 1
 Other - Reference No (or Description): PHOTO 2
 Other - Reference No (or Description): PHOTO 3
 Other - Reference No (or Description): PHOTO 4

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.

- (4) **10/01118/APP – AYR – Town Hall, 21-29 New Bridge Street –** Erection of replacement street lanterns.

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): LOCATION PLAN
 Other - Reference No (or Description): DETAILS OF PROPOSED LANTERNS

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. Orders Under the Road Traffic Regulation Act 1984.

There were submitted reports (issued) of September 2010 by the Depute Chief Executive and Executive Director - Development and Environment seeking approval to make the following Orders under the Road Traffic Regulation Act 1984:-

- (1) the "South Ayrshire Council (Various Streets, Dundonald) (Waiting Restrictions) Order 2010"; and
- (2) the "South Ayrshire Council (Harbour Road, Troon) (Waiting Restrictions) (Amendment) Order 2010.

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

At this point, the time being 10.15 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. Civic Government (Scotland) Act 1982 - Licences.

(a) Taxi Drivers.

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

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

- (ii) The Panel considered the application from Allan McQueen.

Decided: in the absence of the applicant, to continue consideration of this application to a Special meeting of this Panel to be held on Thursday, 30th September 2010 following the meeting of South Ayrshire Licensing Board, to allow the applicant to attend.

(b) Private Hire Car Drivers.

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

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

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

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.

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.

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

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

- (iii) The Panel heard an observation from Strathclyde Police, the licenceholder, Darren Davidson, in response and considered the proposed suspension of the licence currently held by Mr. Davidson.

Decided: that the licence should continue and no action be taken.

(c) Private Hire Car Vehicle.

- (i) The Panel considered the proposed suspension of the licence currently held by John McCurdie (07/00220/PHVL).

Decided: having noted that Mr. McCurdie had now returned his licence plates, to suspend the licence currently held by him with immediate effect for the unexpired portion of the licence.

- (ii) The Panel considered the proposed suspension of the licence currently held by John McCurdie (09/00643/PHVL).

Decided: having noted that Mr. McCurdie had now returned his licence plates, to suspend the licence currently held by him with immediate effect for the unexpired portion of the licence.

(d) Late Hours Catering.

Marsha Anne Yilmaz for Midnight Express, 1B Arthur Street, Ayr, KA7 1QJ.

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

Decided: to continue consideration of this application to the next meeting of this Panel scheduled to be held on Thursday, 28th October 2010.

Councillor Galbraith left the meeting during consideration of the foregoing item.

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

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

Decided: in the absence of the applicant, to continue consideration of this application to the next meeting of this Panel scheduled to be held on Thursday, 28th October 2010 to allow the applicant to attend.

(f) **Houses in Multiple Occupation.**

(i) **Amber House (Holdings) Limited and Mrs. Lesley Abernethy for premises at 9, 11 Barns Street, Ayr, KA7 1XB.**

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

(ii) **Laura Campbell for premises at 10 Sandgate, Ayr, KA7 1BH.**

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

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

“Kebab King”, 56 Alloway Street, Ayr.

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

The meeting ended at 2.55 p.m.