

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
19th August 2010 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 and Alec Oattes.
- Apology: Councillor Bill Grant.
- Attending: M. Newall, Head of Planning and Enterprise; C. Cox, Planning Manager; W. Carlaw, Acting Legal Manager; M. Toshner, Building Standards Manager; D. Burns, Housing Policy and Strategy Manager; I. Simpson, Supervisory Planner; and A. Gibson, Committee Administrative Officer.
- Also Present: Councillor Hugh Hunter (in attendance for item 2(4) only)

For items 3 to 11:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Ian Douglas, Ann Galbraith, Sandra Goldie and Bill Grant.
- Apologies: Councillors Andy Campbell and Alec Oattes.
- Attending: C. Neillie, Solicitor; R. Cairns, Engineering (Public Safety) Group Leader; M. Douglas, Licensing Policy Officer; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Administrative Officer
- Also Attending: Chief Inspector J. Dillon and Constable I. Jamieson, Strathclyde Police.
- In Attendance: L. Grant and G. Steel, Ayr United Football Club (for item 9 only).

1. Audit of the Building Standards Service.

There was submitted a report (issued) of 11th July 2010 by the Depute Chief Executive and Executive Director - Development and Environment

- (1) detailing the results of the external audit of the Council's Building Standards Service by the Scottish Government's Building Standards Division Audit Team;
- (2) advising that the Audit Report contained a number of recommendations to improve service delivery including:-
 - (a) extending the current scheme of delegation to staff;

- (b) publicising the links between feedback and improvements;
 - (c) making available additional private interview rooms in Burns House; and
 - (d) measuring and publishing Customer Charter Service Standards;
- (3) proposing that all of these areas of work be incorporated into the workstreams monitored within the Balanced Scorecard; and
- (4) clarifying the current position with regard to the Verifier appointment by Scottish Ministers.

Decided:

- (i) to note the contents of this report and recognise the positive outcomes achieved by the Building Standards Service confirmed by this audit process;
- (ii) to agree the proposed follow-up actions as outlined at (2) and (3) above; and
- (iii) to note that a further report will be submitted when the Scottish Government announces the appointment of Verifiers across Scotland from 1st May 2011.

2. Applications for Planning Permission.

There were submitted reports (issued) of August 2010 by the Depute Chief Executive and Executive Director - Development and Environment on current applications for determination.

The Panel decided as follows:-

- (1) **10/00670/APP – TROON – Land to the north of the car park at Beach Road** – Change of use of existing open space to form car park.

Decided: to agree 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;
- (c) that the proposed access shall be kerbed and surfaced for a minimum distance of 10 metres from the public road channel over a minimum width of 5.5 metres, the kerb radii at the access shall be a minimum of 6 metres and the access shall be completed to this specification before the opening of the car park;
- (d) 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 and there shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays; and

- (e) 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.

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 an acceptable standard of construction;
- (d) in the interest of road safety and to ensure acceptable visibility at road junctions; and
- (e) in the interest of road safety and avoid the discharge of water on to the public road.

Advisory Notes:

- (i) the Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant/developer;
- (ii) the Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984;
- (iii) the Council as Roads Authority advises that all costs incurred with crossing existing footway shall be borne by the applicant/developer and carried out to South Ayrshire Council's specification; and
- (iv) the Council as Roads Authority advises that a Road Opening Permit shall be required for any work within the public road limits.

List of Determined Plans:

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

Drawing - Reference No (or Description): SITE / BLOCK 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) **09/00369/FUL – MAYBOLE – Land at Laurel Bank/Cargill Avenue –** Erection of residential development.

Decided: to refuse the application, as the proposals were contrary to Policy H13 of the South Ayrshire Local Plan in that the requirements for the provision of affordable housing were not being met.

- (3) **10/00383/APP – AYR – 104 Dalmellington Road** – Change of use of dwellinghouse to form hot food takeaway on ground floor and upper floor flat.

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

- (a) that the proposed hot food takeaway is contrary to the provisions of Policy H7 of the South Ayrshire Local Plan by reason of detrimental impact of the non-residential use on the residential amenity of nearby dwellings, as a result of increased noise and disturbance during the day and in the late evening; and
- (b) that the proposal for a hot food takeaway is contrary to the policy of RET6 of the South Ayrshire Local Plan as the site is not located within the retail periphery of Ayr town centre, as defined by the South Ayrshire Local Plan, which is identified as a suitable location for hot food takeaways.

List of Determined Plans:

Drawing - Reference No (or Description): P3 REV B;
Drawing - Reference No (or Description): LOCATION PLAN;
Drawing - Reference No (or Description): E1;
Drawing - Reference No (or Description): E2;
Drawing - Reference No (or Description): P1; and
Drawing - Reference No (or Description): P2.

- (4) **10/00628/APP – PRESTWICK – 87 Main Street** – Change of use of existing shop to form a public house.

The Panel heard Councillor Hugh Hunter, Local Member (in attendance for this item only).

Councillor Allan, seconded by Councillor Galbraith moved that the application be refused as the proposals were contrary to the provisions of Policy RET4 of the South Ayrshire Local Plan.

By way of an Amendment, Councillor Fitzsimmons, seconded by Councillor Douglas moved 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;
- (c) a ventilation system incorporating an air dilution and/or filtration system of the type hereby approved shall be installed and operational prior to the commencement of the use and thereafter shall be retained as approved. The proposed method of filtration details shall be submitted for the formal prior written approval of the Planning Authority before the use commences on site;
- (d) that there shall be no form of amplified sound or noise systems in the premises;

- (e) that the emptying of waste from the premise to external containers shall be restricted to daylight hours only, no earlier than 8.00 a.m. or later than 10.00 p.m.; and
- (f) that deliveries to and from the premise shall be restricted to daylight hours only, no earlier than 8.00 a.m. or later than 10.00 p.m.

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 order to prevent noise nuisance and to prevent the occurrence of a smell nuisance;
- (d) in order to prevent noise nuisance;
- (e) in order to prevent unacceptable levels of noise nuisance and in the interests of residential amenity; and
- (f) in order to prevent unacceptable levels of noise nuisance and in the interests of residential amenity.

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

Decided: to approve the application subject to the conditions detailed at (a) to (f) above.

List of Determined Plans:

Drawing - Reference No (or Description): PROPOSED PLANT PLAN;
Drawing - Reference No (or Description): AL00;
Drawing - Reference No (or Description): AL01;
Drawing - Reference No (or Description): AS01;
Drawing - Reference No (or Description): AV01;
Drawing - Reference No (or Description): AV02; and
Drawing - Reference No (or Description): PRESTWICK 01.

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) 10/00281/APP – AYR – Newmarket Street – Installation of lighting.

Decided: to agree 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 string cable to which the LEDs are attached shall be white in colour.

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.

Advisory Notes:

- (i) the grant of planning permission does not remove the requirement for Listed Building Consent for any alterations, either internal or external which may be required in order to implement this planning permission;
- (ii) the related application for listed building consent 10/00282/LBC requires clearance from Historic Scotland. The applicant shall not commence work until receipt of all necessary approvals have been received. This is equally applicable to situations where there are related advert and listed building applications;
- (iii) the Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant/developer;
- (iv) the Council as Roads Authority advises that a Road Opening Permit shall be required for any work within the public road limits; and
- (v) consultation with South Ayrshire Council's Structures and Street Lighting Section shall be undertaken prior to any works commencing on site.

The Panel further agreed that the Listed Building Consent application be approved (Ref. 10/00282/LBC) subject to following conditions and referral to Historic Scotland:-

- (A) that the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent;
- (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; and
- (C) that notwithstanding the plans hereby approved, the string cable to which the LEDs are attached shall be white in colour.

Reasons:

- (A) 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;
- (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 listed buildings within the conservation area.

Advisory Notes:

- (I) the Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant/developer;
- (II) the Council as Roads Authority advises that a Road Opening Permit shall be required for any work within the public road limits; and
- (III) consultation with South Ayrshire Council's Structures and Street Lighting Section shall be undertaken prior to any works commencing on site.

List of Determined Plans:

Drawing - Reference No (or Description): SCHEDULE OF LUMINAIRES;
Drawing - Reference No (or Description): PROPOSED DETAILS; and
Drawing - Reference No (or Description): LED LIGHTING LAYOUT.

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) **10/00767/APP – AYR – Forehill Primary School, Cessnock Place** – Alterations and extension to school.

Decided: to agree 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;
- (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;

- (d) that before any works start on site 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 earth mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner;
- (e) that the proposed 1.8 metre high steel fence between Holmston Drive and the school building is not hereby approved. Details and specifications of an amended boundary treatment in this location, designed to respect the character of the school boundary wall and railings, shall be submitted for the prior written approval of the Planning Authority before the boundary treatment is erected on site; and
- (f) the proposed additional parking area within the corner of the site alongside the junction of Cessnock Place and Holmston Drive is not hereby approved. An amended parking layout which reduces the parking on this area of green space and re-uses existing hardstanding shall be submitted for the prior written approval of the Planning Authority before any work commences 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) in the interests of visual amenity;
- (d) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality; and
- (f) in the interests of the proper planning of the area and to retain control over the development proposal, to maintain the contribution that this area of green space makes to the locality and to ensure that the proposal complies with development plan policy ENV5 in the South Ayrshire Local Plan.

Advisory Note:

Neighbours have expressed concern regarding the intensity of the lighting surrounding the school building. This is not material to the determination of the planning application but is a matter that should be taken into account when the security lighting is being considered and installed.

List of Determined Plans:

Drawing - Reference No (or Description): 6097 L01;
Drawing - Reference No (or Description): 6097-L03;
Drawing - Reference No (or Description): 6097/GA/L07;
Other - Reference No (or Description): DESIGN STATEMENT;
Drawing - Reference No (or Description): 6097/GA/05 REV A;
Drawing - Reference No (or Description): 6097/GA/06 REV A;
Drawing - Reference No (or Description): 6097/GA/L10 REV B;
Drawing - Reference No (or Description): 6097/GA/L11 REV A; and
Drawing - Reference No (or Description): 6097/GA/L08.

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 11.40 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.

Taxi Driver.

The Panel considered the application from Kevin McIvor.

Decided: to approve this application for renewal and continue the suspension of the licence already in place for the unexpired portion of the licence as the applicant had failed to undertake training as per the licence issued to him.

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. Civic Government (Scotland) Act 1982 - Licences.

(a) Taxi Drivers.

- (i) The Panel heard an observation from Strathclyde Police in relation to the application from David Douglas.

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

- (ii) The Panel considered the application from Alistair Christie.

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

(iii) The Panel considered the application from Archibald Williams.

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

(iv) The Panel heard an observation from Strathclyde Police and the applicant, Martin Agnew, in response.

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 the applicant, Stephen McMillan (Ayr), in response.

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

(vi) The Panel heard an observation from Strathclyde Police and considered the proposed suspension of the licence currently held by Mark McDowall.

Decided: to suspend the licence currently held by Mark McDowall 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.

(vii) The Panel heard an observation from Strathclyde Police in relation to the application from Derek Brown.

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

(viii) The Panel heard the applicant, Stephen McMillan (Ochiltree), in relation to his application.

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

(ix) The Panel heard from the licenceholder and considered the proposed suspension of the licence currently held by Suzanne Munro.

Councillor Goldie, seconded by Councillor Grant, moved that the licence be suspended with immediate effect as the licenceholder had failed to undertake training as per the licence issued to her.

By way of Amendment, Councillor Douglas, seconded by Councillor Allan, moved that the licence not be suspended.

On a vote taken by a show of hands, three members voted for the Amendment and three for the Motion. The Chair exercised his casting vote in favour of the Motion.

Decided: to suspend the licence held by Suzanne Munro in terms of Paragraph 11(2)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the unexpired portion of her licence as she had failed to undertake training as per the licence issued to her.

(b) **Taxi Vehicle.**

The Panel considered the proposed suspension of the licence currently held by John Gray.

Decided: to suspend the licence held by John Gray in terms of Paragraph 11(2)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the unexpired portion of his licence as he had failed to present his vehicle for bi-annual inspection.

(c) **Street Trader.**

M. B. Mancini & Co. and Philip Mancini for Sale of Ice Cream at Galas and Fun Days.

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

(d) **Late Hours Catering.**

(i) **Angelo Conetta for Dino's, 27 Burns Statue Square, Ayr, KA7 1SU.**

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.

(ii) **Phedra McIndoe for Cafe Blue, 9/10 Boswell Park, Ayr, KA7 1NS.**

Decided: to approve this application for three years, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 3.30 a.m., subject to stewarding being provided on Friday and Saturday nights from midnight until close of business and subject to standard conditions as previously agreed.

(iii) **Tariq Rafiq for 104B Dalrymple Street, Girvan, KA26 9BT.**

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

(iv) **Stephen Ip for New Crystal, 77A Main Street, Prestwick, KA9 1JS.**

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

(v) **Derek Tang for 24 Smith Street, Ayr, KA7 1TF.**

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

(e) **Taxi Driver.**

The Panel heard an objection from Strathclyde Police and the applicant, Kevin Steele, 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.

7. **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 item 8 of these minutes, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

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

Taxi Driver.

The Panel heard an observation from Strathclyde Police and the applicant, John Flynn, in response.

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

9. **Adjournment.**

The time being 2.25 p.m., the Panel agreed to adjourn the meeting for ten minutes.

10. **Resumption of Meeting.**

The Board reconvened at 2.35 p.m.

11. **Somerset Park, Ayr.**

Reference was made to the Minutes of 15th April 2010 (Page 240, paragraph 11) 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 2010; and

- (3) to agree that, if the required work to the floodlighting columns was not satisfactorily concluded by 14th July 2010, a further report be submitted to this meeting advising the Panel of the position and enabling consideration of possible enforcement action under the Safety of Sports Grounds Act 1975,

there was submitted a report (issued) of 2nd August 2010 by the Depute Chief Executive and Executive Director – Development and Environment advising

- (a) that with regard to the floodlighting columns,
- (i) following on from the report by CSI Construction Testing Ltd. on the four floodlighting columns at Somerset Park, certain works had been carried out in June 2010 to one of the columns to upgrade the electrical apparatus;
 - (ii) that the CSI Constructing Testing Ltd. had carried out a full structural survey of the access ladders and platforms and the main steelwork of all four columns in early August 2010; and
 - (iii) that the Club had applied for further grant assistance from the Football Partnership Association (through the Scottish Football Association) for works to the floodlighting columns; and
- (b) that all items on the Maintenance Programme for the 2010 close season had now been carried out to the satisfaction of Building Standards and that discussions would continue on a Planned Maintenance Programme for the ground in the short-to-medium term.

The Panel then heard a report on the present position from L. Grant, Ayr United.

Decided:

- (A) to note the contents of the report and to agree that the General Safety Certificate should remain in force; and
- (B) that, as work on the floodlighting columns was in progress, the current position be noted and a further report be submitted to the Panel at its meeting scheduled to be held on 28th October 2010.

The meeting ended at 2.45 p.m.