

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 21st February 2013 at 10.00 a.m.

For Items 1 to 11:

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Hugh Hunter, Nan McFarlane and Rita Miller.

Apology: Councillor Sandra Goldie.

For Items 1 to 3:

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; F. Sharp, Supervisory Planner; J. Webb, Engineering Officer; and A. Gibson, Committee Services Officer.

For Items 4 to 11:

Attending: M. Douglas, Solicitor (Licensing); R. Howe, Fleet Manager; D. Woodward, Fleet Inspector; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

Also Attending: Inspector D. McMurdo and Sergeant D. McIntosh, Strathclyde Police.

1. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. South Ayrshire Council (Auld Nicks View, Alloway) (Waiting Restriction) Order 2013.

There was submitted a report (issued) of 7th February 2013 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to make the “South Ayrshire Council (Auld Nicks View, Alloway) (Waiting Restriction) Order 2013.

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

3. Applications for Planning Permission.

There were submitted reports (issued) of February 2013 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) **12/01338/APP and 12/01339/LBC – TROON – 68 South Beach** – Alterations and extension to existing dwellinghouse.

Decided: to approve the planning application (Ref: 12/01338/APP) subject to the following conditions:-

- (a) 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;
- (b) that notwithstanding the plans hereby approved, the proposed roof slates shall be natural slate to match the existing building's roof slates, details and a sample of the proposed roof slate tile shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site;
- (c) that notwithstanding the plans hereby approved, details and a sample of the proposed dressed sandstone wall finish shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site;
- (d) that notwithstanding the plans hereby approved, the proposed rooflights shall be installed flush to the plane of the roof, details and a manufacturing brochure of the proposed rooflights shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site;
- (e) that notwithstanding the plans hereby approved, details and a sample of the proposed flat roof finishing material shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site. For the avoidance of doubt the roof material should match the colour of the natural slates as much as possible;
- (f) that notwithstanding the plans hereby approved, the proposed hipped roof ridge detail and height shall replicate the same height, finial detail and ridge detail of the other hipped roofs of the property to the satisfaction of the Planning Authority, amended plans to show this new detail shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site;
- (g) that notwithstanding the plans hereby approved and for the avoidance of doubt, the rebuilding of the side boundary wall, shall be first rebuilt using the existing rubble of the original wall and then rebuilt using matching stone to that of the original in type, size and colour, and shall replicate the design, coursing and method of pointing with an appropriate lime mortar of the original wall, and shall be completed prior to the use of the extension to the satisfaction of the Planning Authority;
- (h) that three off-road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide before completion of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and

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

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to safeguard the character and appearance of the listed building and Conservation Area;
- (c) to safeguard the character and appearance of the listed building and Conservation Area;
- (d) to safeguard the character and appearance of the listed building and Conservation Area;
- (e) to safeguard the character and appearance of the listed building and Conservation Area;
- (f) to safeguard the character and appearance of the listed building and Conservation Area;
- (g) to safeguard the character and appearance of the listed building and Conservation Area;
- (h) in the interest of road safety and to ensure adequate off-street parking provision; and
- (i) in the interest of road safety.

It was further agreed that the Listed Building Consent application (Ref. 12/01339/LBC) be approved subject to referral to Historic Scotland:-

- (i) 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;
- (ii) that notwithstanding the plans hereby approved, the proposed roof slates shall be natural slate to match the existing building's roof slates, details and a sample of the proposed roof slate tile shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site;
- (iii) that notwithstanding the plans hereby approved, details and a sample of the proposed dressed sandstone wall finish shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site;
- (iv) that notwithstanding the plans hereby approved, the proposed rooflights shall be installed flush to the plane of the roof, details and a manufacturing brochure of the proposed rooflights shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site;
- (v) that notwithstanding the plans hereby approved, details and a sample of the proposed flat roof finishing material shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site. For the avoidance of doubt the roof material should match the colour of the natural slates as much as possible; and

- (vi) that notwithstanding the plans hereby approved, the proposed hipped roof ridge detail and height shall replicate the same height, finial detail and ridge detail of the other hipped roofs of the property to the satisfaction of the Planning Authority, amended plans to show this new detail shall be submitted for the prior consideration and written approval of the Planning Authority, prior to the commencement of work on site;
- (vii) that notwithstanding the plans hereby approved and for the avoidance of doubt, the rebuilding of the side boundary wall, shall be first rebuilt using the existing rubble of the original wall and then rebuilt using matching stone to that of the original in type, size and colour, and shall replicate the design, coursing and method of pointing with an appropriate lime mortar of the original wall, and shall be completed prior to the use of the extension to the satisfaction of the Planning Authority; and
- (viii) that notwithstanding the plans hereby approved, the works required to all original internal joinery detailing (cornicing, dado rails, skirting etc) from the proposed internal alterations shall be avoided where not necessary and kept to a minimum where needed and any necessary repairs to the affected joinery detailing shall match the existing exactly to the satisfaction of the Planning Authority.

Reasons:

- (i) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (ii) to safeguard the character and appearance of the listed building;
- (iii) to safeguard the character and appearance of the listed building;
- (iv) to safeguard the character and appearance of the listed building;
- (v) to safeguard the character and appearance of the listed building;
- (vi) to safeguard the character and appearance of the listed building;
- (vii) to safeguard the character and appearance of the listed building; and
- (viii) to safeguard the character and appearance of the listed building.

Advisory Notes:

- 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;
- the related application for listed building consent requires clearance from Historic Scotland. Work should not be commenced until all necessary approvals have been received. This is equally applicable to situations where there are related advert and listed building applications;
- the Council as Roads Authority advises that any alterations to the existing footway crossing require to comply with the specification issued by the Roads and Transport Service; and
- the Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.

List of Determined Plans:

Drawing - Reference No (or Description): (00)001;
Drawing - Reference No (or Description): (00)002;
Drawing - Reference No (or Description): (00)100;
Drawing - Reference No (or Description): (00)101;
Drawing - Reference No (or Description): (00)102;
Drawing - Reference No (or Description): (00)200;
Drawing - Reference No (or Description): (00)201;
Drawing - Reference No (or Description): (00)202;
Drawing - Reference No (or Description): (00)300;
Drawing - Reference No (or Description): (00)301;
Drawing - Reference No (or Description): (00)500;
Drawing - Reference No (or Description): (00)501;
Drawing - Reference No (or Description): (00)502;
Drawing - Reference No (or Description): (EX)002;
Drawing - Reference No (or Description): (EX)100;
Drawing - Reference No (or Description): (EX)101; and
Drawing - Reference No (or Description): (EX)102.

- (2) **12/01367APP – AYR – 9, 9A, 10 and 11 Montgomerie Terrace** – Erection of retaining boundary wall.

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

- (a) 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;
- (b) that notwithstanding the plans hereby approved, details of the proposed fence/ means of enclosure to be erected on top of the gabion wall shall be submitted to and agreed in writing with the Council as planning authority, within two months of the date of this decision; and
- (c) that notwithstanding the plans hereby approved, details of the method proposed to join the gabion wall with the existing wall shall be submitted to and agreed in writing with the Council as planning authority, within two months of the date of this decision.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to protect the character and appearance of the conservation area; and
- (c) to protect the character and appearance of the conservation area.

Advisory Notes:

- the proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place;
- it is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval. Attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk
- any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action;
- property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com; and
- if any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.

List of Determined Plans:

Drawing - Reference No (or Description): 5998-LP1; and
Drawing - Reference No (or Description): 5998 - 01 REV. F.

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) **12/01410/APP – AYR – Braehead Primary School, Gould Street** – Erection of boundary wall.

Decided: to approve the application subject to the condition 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.

Reason:

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; and
Drawing - Reference No (or Description): PROPOSED WALL DETAILS

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 10.45 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. Declaration of Interest.

Councillor Convery

- (1) declared an interest in application number 8(a)(iv) of this minute as the applicant was known to him; and
- (2) indicated that he would withdraw from the meeting during consideration of this item at the appropriate point during the meeting.

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

Taxi Drivers.

The Panel heard an observation from Strathclyde Police, considered a letter from the applicant and heard from the applicant, Hugh Murray Dorbie, in relation to his application.

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

7. **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.

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

(a) **Taxi Drivers.**

- (i) The Panel heard from the applicant, Kevin McWilliam in relation to his application.

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

- (ii) Reference was made to the Minutes of 24th January 2013 (Page 132, paragraph 4(a)(vi)) when this application had been continued to this meeting to allow the applicant to attend and the Panel heard from the applicant, Richard Corrigan Hillhouse, in relation to his application.

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

- (iii) The Panel heard an observation from Strathclyde Police and from the applicant, Darren Hugh Patterson in response and adjourned for consideration of this application.

Upon reconvening, Councillor McFarlane, seconded by Councillor Miller, moved that this application be approved for one year.

By way of Amendment, Councillor Campbell, seconded by Councillor Galbraith, moved that this application be refused.

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

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

Declaration of Interest.

Councillor Convery, having previously declared an interest in the following item of business, vacated the Chair and left the meeting during consideration of this matter. The Panel agreed that Councillor Galbraith should take the Chair.

- (iv) Reference was made to the Minutes of 24th January 2013 (Page 132, paragraph 4(a)(v)) when this application had been continued to this meeting to allow the applicant to attend and the Panel then heard an observation from Strathclyde Police and from the applicant, Brian Foy, in response and adjourned for consideration of this application.

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

Resumption of Chair.

Councillor Convery resumed the Chair at this point in the meeting.

(b) Taxi Vehicles.

The Panel considered the proposed suspension of four licences held by Derek Burns (10/01004/HCVL, 11/00597/HCVL, 11/00994/HCVL and 10/00721/HCVL).

The Panel heard from the Licensing Monitoring Officer, the Fleet Manager and the Fleet Inspector in relation to this matter and also in relation to item 8(c) of these minutes.

Decided: in the absence of the licence holder, that the four licences held by Derek Burns be suspended with immediate effect for their unexpired portion on the grounds that

- (1) Mr. Burns was no longer a fit and proper person to hold the licences;
- (2) the carrying on of the activity to which the licences relate is causing or is likely to cause a threat to public safety; and
- (3) conditions of the licences had been breached.

(c) Private Hire Vehicles.

The Panel considered the proposed suspension of five licences held by Derek Burns (12/00430/PHVL, 10/00944/PHVL, 10/00297/PHVL, 11/00995/PHVL and 11/01077/PHVL).

Decided: in the absence of the licence holder, that the five licences held by Derek Burns be suspended with immediate effect for their unexpired portion on the grounds that

- (1) Mr. Burns was no longer a fit and proper person to hold the licences;
- (2) the carrying on of the activity to which the licences relate is causing or is likely to cause a threat to public safety; and
- (3) conditions of the licences had been breached.

(d) Taxi Vehicles.

- (i) The Panel considered the proposed suspension of the licence currently held by Amjad Sultan Chadhar as he had failed to present his car for Annual Inspection in terms of Condition 3 of the Taxi Vehicle Licence.

Decided: in the absence of the applicant, to suspend the licence currently held by Amjad Sultan Chadhar with immediate effect for its unexpired portion as he had failed to present the car for Annual Inspection.

- (ii) The Panel considered the proposed suspension of the licence currently held by Mark James McAllister as he had failed to present his car for Bi-Annual Inspection in terms of Condition 3 of the Taxi Vehicle Licence.

Decided: in the absence of the applicant, to suspend the licence currently held by Mark James McAllister with immediate effect for its unexpired portion as he had failed to present the car for Bi-Annual Inspection.

9. 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 for items 10(a) and (b) of these minutes, 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.

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

(a) **Taxi Drivers.**

- (i) The Panel heard an observation from Strathclyde Police in relation to the application from Colin Bland. The applicant was present but advised the Panel that he had nothing to say in support of his application.

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 from the applicant, Robert Peter McCormick, in response.

Councillor Douglas, seconded by Councillor McFarlane, moved that the application be approved for one year.

By way of Amendment, Councillor Galbraith, seconded by Councillor Campbell, moved that the application be refused.

On a vote being 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.

(b) **Taxi Vehicles.**

The Panel heard from the Licensing Monitoring Officer, the Fleet Inspector and from the licence holder, Scott Vance, in response in relation to the proposed suspension of three licences held by him (10/000941/HCVL, 10/00635/HCVL and 12/00639/HCVL) and adjourned for consideration of this matter.

Decided: upon reconvening, that the licences not be suspended but that the licences should be varied so that the vehicles are to be tested every four months for the duration of the licences.

11. **Update by Licensing Monitoring Officer.**

The Licensing Monitoring Officer advised that during routine monitoring with Strathclyde Police in Girvan in January 2013, of the nine vehicles stopped for inspection, two of the drivers did not have a taxi licence or a private hire licence and had been reported to Strathclyde Police with the vehicle owners being reported to the Procurator Fiscal.

Decided: following questions, to note the update from the Licensing Monitoring Officer.

The meeting ended at 3.50 p.m.