

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 24th January 2013 at 10.00 a.m.

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

**For Items 1 and 2:**

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; M. McClelland, Development Management and Business Change Team Leader; A. Browne, Supervisory Planner; and A. Gibson, Committee Services Officer.

**For Items 3 to 8:**

Attending: M. Douglas, Solicitor (Licensing); 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. Declaration 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. Applications for Planning Permission.**

There were submitted reports (issued) of January 2013 by the Executive Director - Development and Environment on current applications for determination.

The Panel decided as follows:-

- (1) 12/01150/APP – AYR – Putting Green, Bath Place –** Erection of Golf Hire Building.

**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 the approval for the proposed use shall be limited to 29th September 2017 at which date the use of the temporary building shall be terminated and the site shall 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. The restoration specification shall be submitted within two months of the date of this planning approval; and
- (c) that the development shall be completed in accordance with the approved plans within three months of the date of this permission to the satisfaction of the Planning Authority.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient; and
- (c) in the interests of the proper planning of the area and visual amenity. In order to ensure that the building is externally finished to an appropriate standard.

**List of Determined Plans:**

Drawing - Reference No (or Description): 12.133.01 location/site/elev;  
 Drawing - Reference No (or Description): 12.133.LP Location Plan; and  
 Other - Reference No (or Description): DESIGN STATEMENT.

**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) **12/01259/APP – MAYBOLE – 96 High Street** – Alterations and extension to petrol station shop and erection of screen fence.

**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; and
- (b) that notwithstanding the plans hereby approved, the boundary wall between the filling station forecourt and the properties at 92 and 94 High Street shall be made good to the satisfaction of the Planning Authority. Full details of works to make good the boundary wall shall be submitted for the written approval of the Planning Authority prior to the commencement of works on site.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) to safeguard the character and appearance of the Conservation Area.

**List of Determined Plans:**

Drawing - Reference No (or Description): 1PR;  
 Drawing - Reference No (or Description): 2P;  
 Drawing - Reference No (or Description): 3P;  
 Drawing - Reference No (or Description): 4P;  
 Drawing - Reference No (or Description): 5P;  
 Drawing - Reference No (or Description): 6PR;  
 Drawing - Reference No (or Description): 7P; and  
 Drawing - Reference No (or Description): 8P.

**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) **12/01316/APP – AYR - Car Park, Belleisle Park, Doonfoot Road** – Erection of temporary golf facility/cafe.

**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 the approval for the proposed structure shall be limited to a period of two years from the date of this permission when the structure shall be removed from the site and the land shall 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 within one month prior to the expiry of this permission for the prior written approval of the Planning Authority; and
- (c) that all trees existing within the application site at the date of this decision shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed to the satisfaction of the Planning Authority.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient; and
- (c) in the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
 Drawing - Reference No (or Description): EXISTING SITE PLAN;  
 Drawing - Reference No (or Description): PROPOSED SITE PLAN;  
 Drawing - Reference No (or Description): PROPOSED FLOOR PLAN;  
 Drawing - Reference No (or Description): PROPOSED ELEVATIONS;  
 Drawing - Reference No (or Description): PROPOSED SECTION; and  
 Other - Reference No (or Description): METHOD STATEMENT.

**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) **12/01344/APP – DUNDONALD – Fullarton Avenue** – Installation of telecommunications cabinet.

**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, a minimum footpath width of 1.2 metres as measured from the front of the equipment cabinet shall be provided to the satisfaction of the Planning Authority in agreement with the Roads Authority. Full details in respect of meeting this requirement shall be submitted within one month of the date of this permission for the written approval of the Planning Authority in conjunction with the Roads Authority. These works shall be implemented within two months of their agreement by the Planning Authority; and
- (c) in the event that equipment becomes obsolete or redundant it shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of road safety and to ensure that adequate provision is made for pedestrians; and
- (c) to minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

**List of Determined Plans:**

Drawing - Reference No (or Description): 01 B;  
 Drawing - Reference No (or Description): 02 B;  
 Drawing - Reference No (or Description): 03 B; and  
 Drawing - Reference No (or Description): 04 B.

**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.

**Councillor Goldie left the meeting during consideration of the following planning application:-**

- (5) 12/01392/APP – TROON - Marr College Playing Fields, Dundonald Road – Temporary Erection of Storage Container.**

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

- (a) that the approval for the proposed structures shall be limited to four 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. The aforementioned written specification shall to be submitted within one month prior to the expiry of this permission for the prior written approval of the Planning Authority;
- (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; and
- (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.

**Reasons:**

- (a) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) in the interests of visual amenity.

**List of Determined Plans:**

Drawing - Reference No (or Description): C167-P01.

**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.

**Councillor Goldie re-joined the meeting at this point.**

- (6) **12/01063/APP – BALLANTRAE – Meadow Park, U10 from A77T at Laggan Holm – south to join U36 at Killantringan Cottage** – Erection of wind turbine and formation of associated access track.

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

- (a) that the proposed development is contrary to policy STRAT1 of the Ayrshire Joint Structure Plan by reason of it not respecting the landscape character of the area and by reason of it resulting in visual damage or intrusion due to its size and position, and having an unacceptable impact on the setting of Scheduled Ancient Monuments at Balig;
- (b) that the proposed development is contrary to policy ECON7 of the Ayrshire Joint Structure Plan by reason of there being unacceptable impacts on the historic environment, tourism and recreational interests, and landscape character, due to its size and position;
- (c) that the proposed development is contrary to policy ENV1 of the Ayrshire Joint Structure Plan by reason of it not maintaining or enhancing the quality of the landscape and its local characteristics due to its size and position;
- (d) that the proposed development is contrary to policy STRAT5 of the South Ayrshire Local Plan by reason of it not being appropriate in terms of scale, siting and setting and being visually intrusive, all due to its size and position;
- (e) that the proposed development is contrary to policy ENV8 of the South Ayrshire Local Plan by reason of it not being acceptable in terms of its siting and setting within the Scenic Area;

- (f) that the proposed development is contrary to policy ENV2 of the Ayrshire Joint Structure Plan by reason of its being visually intrusive due to its siting and setting;
- (g) that the proposed development is contrary to Scottish Planning Policy by reason of it not being appropriate in terms of landscape and visual impact; and
- (h) that the proposed development is contrary to Ayrshire Joint Structure Plan Policy ENV6, and South Ayrshire local Plan Policy BE6, by reason of the scale and location of the turbines having an unacceptable impact on the Scheduled Ancient Monuments at Balig.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
 Drawing - Reference No (or Description): SITE PLAN;  
 Drawing - Reference No (or Description): TURBINE ELEVATIONS; and  
 Drawing - Reference No (or Description): ELEVATIONS OF METER HOUSE.

- (7) 12/01123/APP – COLMONELL – Boghouse Farm, Rowantree Street** – Erection of wind turbine, meter house and formation of associated access road.

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

- (a) that the proposed development is contrary to policy STRAT1 of the Ayrshire Joint Structure Plan by reason of it not respecting the landscape character of the area and by reason of it resulting in visual damage or intrusion due to its size and position, and having an unacceptable impact on the setting of Cultural heritage resources of Colmonell conservation area and the Scheduled Ancient Monument, Craignell Castle;
- (b) that the proposed development is contrary to policy ECON7 of the Ayrshire Joint Structure Plan by reason of there being unacceptable impacts on the historic environment, tourism and recreational interests, and landscape character, due to its size and position;
- (c) that the proposed development is contrary to policy ENV1 of the Ayrshire Joint Structure Plan by reason of it not maintaining or enhancing the quality of the landscape and its local characteristics due to its size and position;
- (d) that the proposed development is contrary to policy STRAT5 of the South Ayrshire Local Plan by reason of it not being appropriate in terms of scale, siting and setting and being visually intrusive, all due to its size and position;
- (e) that the proposed development is contrary to policy BE3 of the South Ayrshire Local Plan by reason of it having an adverse impact on the setting of the Colmonell Conservation Area due to its size and position;

- (f) that the proposed development is contrary to policy ENV8 of the South Ayrshire Local Plan by reason of it not being acceptable in terms of its siting and setting within the Scenic Area;
- (g) that the proposed development is contrary to policy ENV2 of the Ayrshire Joint Structure Plan by reason of its being visually intrusive due to its siting and setting;
- (h) that the proposed development is contrary to Scottish Planning Policy by reason of it not being appropriate in terms of landscape and visual impact; and
- (i) that the proposed development is contrary to Ayrshire Joint Structure Plan Policy ENV6, and South Ayrshire Local Plan Policy BE6, by reason of the scale and location of the turbine having an unacceptable impact on the Scheduled Ancient Monument at Craigneil and the setting of Colmonell Conservation Area.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN (1:5000);

Drawing - Reference No (or Description): SITE PLAN;

Drawing - Reference No (or Description): TURBINE ELEVATIONS; and

Drawing - Reference No (or Description): ELEVATIONS OF METER HOUSE.

**At this point, the time being 11.10 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) Reference was made to the Minutes of 4th October 2012 (Page 478, paragraph 4(a)(v)) when this application had been continued to this meeting to ascertain the outcome of the outstanding trial and the Panel then heard an objection from Strathclyde Police and the representative for the applicant, Archie Buchanan, advise that the trial had been adjourned and requesting that this matter again be continued.

The Solicitor (Licensing) advised the Panel that, as the Act stated that all applications required to be dealt with within six months, this matter would require to be considered today.

**Decided:** to approve this application for six months, subject to standard conditions as previously agreed



- (ii) The Panel heard from the applicant, Thomas Allan, in relation to his application.

Councillor Convery, seconded by Councillor Douglas, moved that this application be approved for three years.

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

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

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

- (iii) The Panel heard an observation from Strathclyde Police, considered a letter of support from the applicant's employer and heard from the representative for the applicant, Richard Millar.

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

- (iv) The Panel considered the application from Leslie Bagan.

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

### **Declaration of Interest.**

Councillor Convery declared an interest in the following application on the agenda, vacated the Chair and left the meeting during consideration of this application. The Panel then agreed that Councillor Goldie should take the Chair.

- (v) The Panel considered the application from Brian Foy.

**Decided:** in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow Mr. Foy to attend.

### **Resumption of Chair.**

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

- (vi) The Panel considered the application from Richard Corrigan Hillhouse.

**Decided:** in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow Mr. Hillhouse to attend.

(vii) The Panel considered the application from Robert Peter McCormick.

**Decided:** in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow Mr. McCormick to attend.

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 considered the application from Christopher McLean.

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

(ii) The Panel considered the application from Ian James McKillops.

**Decided:** in the absence of the applicant, to approve this application for one year, subject to standard conditions as previously agreed.

(b) **Taxi Vehicles.**

The Panel heard considered the proposed suspension of the four licences held by Derek Burns.

**Decided:** in the absence of the applicant, to continue consideration of this matter to a future meeting of this Panel to allow Mr. Burns to attend.

**(c) Private Hire Driver.**

The Panel considered the application from David Gibson.

Councillor Hunter, seconded by Councillor Miller, moved that this application be approved for one year.

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

On a vote being taken by a show of hands, four Members voted for the Amendment and four for the Motion. The Chair then exercised his casting vote in favour of the Amendment.

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

**(d) Private Hire Vehicles.**

- (i) The Panel considered the proposed suspension of the licence currently held by Andrew Pollock as he had failed to present the car for Annual Inspection in terms of Condition 3 of the Private Hire Vehicle Licence.

**Decided:** in the absence of the applicant, to suspend the licence currently held by Andrew Pollock 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 licences held by Derek Burns.

**Decided:** in the absence of the applicant, to continue consideration of this matter to a future meeting of this Panel to allow Mr. Burns to attend.

- (iii) The Panel heard from the Licensing Monitoring Officer and from the applicant's representative in relation to the application from Mary Boyle.

**Decided:** to approve this application for one year, subject to standard conditions as previously agreed and subject to the vehicle being tested every six months.

**(e) Late Hours Catering.****(i) Firas Kadri Kamal Al-Mughrabi for “Cafe Petra”, 69 Main Street, PrestwickM KA9 1JN.**

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

**Decided:** to approve this application, the approved hours being every Monday to Thursday from 11.00 p.m. to 1.30 a.m. every Friday and Saturday from 11.00 p.m. to 2.30 a.m. and every Sunday from 11.00 p.m. to 1.30 a.m., subject to standard conditions as previously agreed.

**(ii) Phedra McIndoe for “Noodle Bar”, 40 Carrick Street, Ayr, KA7 1NS.**

The Panel considered this application.

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

**(f) Second Hand Dealer.****Shahid Butt for the Sale of Mobile Phones and Laptops at premises at 16 West Portland Street, Troon.**

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

**Decided:** to approve this application, the approved hours being every Monday to Sunday from 7.00 a.m. to 10.00 p.m., subject to standard conditions as previously agreed.

**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 following item of business on the agenda, 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, considered a letter of objection from a member of the public and heard from the representative for the applicant, James Caddis.

Councillor Douglas, seconded by Councillor McFarlane, moved that the application be approved for three years.

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

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

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

The meeting ended at 3.30 p.m.