

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 29th August 2013 at 10.00 a.m.

For Items 1 to 3:

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

Apology; Councillor Ian Douglas.

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; A. Browne, Supervisory Planner (in attendance for items 3(1) and (2) only); F. Sharp, Supervisory Planner (in attendance for items 3(3) to (5) only); and A. Gibson, Committee Services Officer.

For Items 4 to 8:

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

Apologies: Councillors Ian Douglas and Sandra Goldie.

Attending: M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

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

1. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct,

- (1) Councillor Hunter declared an interest in relation to the planning application being considered at item 3(4) below as he had been involved in securing funding for this project; and
- (2) Councillor Miller declared an interest in relation to the planning application being considered at item 3(4) below as she had supported the application in a consultation that had taken place.

They indicated that they would withdraw from the meeting during consideration of this item at the appropriate point in the meeting.

2. Minutes of previous meetings.

- (1) The minutes of 26th June 2013 (issued) [\(link attached\)](#) were submitted and approved.
- (2) The Panel agreed to continue consideration of the minutes of 15th July 2013 (Special) (issued) to the part of the meeting when the Licensing items would be considered, scheduled to commence at 2.00 p.m.

3. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) **12/01384/APP – BARRHILL – Proposed windfarm, A714 Barrhill – East to Council boundary, east of Barrhill – [\(link attached\)](#)** Erection of eight wind turbines, substation building, temporary construction compound and formation of associated access tracks and crane hardstandings.

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

- (a) that the proposed development is contrary to policies ECON6 and ECON7 of the Ayrshire Joint Structure Plan and the AJSP Addendum on Windfarms in that the site is located outwith the Areas of Search for Windfarms in the development plan and the development proposal has adverse effects on cultural heritage designations, tourism and leisure interests, residential amenity, sensitive landscape character areas (including cumulative impacts) to an extent that cannot be satisfactorily overcome or minimised. There are no over-riding reasons to depart from development plan policy;
- (b) that the proposed development would be contrary to policies STRAT1, ECON6, ECON7 F and G, ENV1, ENV2 & ENV4 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8, ENV10 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice in that it would have a direct and significant impact on the sensitive landscape and scenic qualities of the area and the potential adverse effects cannot be satisfactorily addressed. Specifically the application proposes a windfarm development located within a sensitive moorland area within a wider landscape type which is not considered as a suitable search area for windfarms on landscape character grounds. The location of the site is at an important locality relative to its context the development of which as proposed would have a detrimental overspill effect on the Intimate Pastoral Valley;

- (c) that the proposed development would be contrary to policies ECON6, ECON7 D and ENV4 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice in that the proposed development, in combination with other windfarms and also from consented but as yet to be erected individual turbines, would have a cumulative and significant adverse effect on landscape character and visual amenity. There are no over-riding reasons to depart from development plan policy or government policy and guidance;
- (d) that the application proposal is contrary policies ECON6, ECON7 E(3), ECON12 and ECON13 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3, TOUR1 and TOUR3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice in that, on the information available, it is considered to be likely to have an adverse impact on the tourism resource in the locality of the application site which includes its high scenic value. There are no over-riding reasons to depart from development plan policy or government policy and guidance;
- (e) that the application proposal is contrary to policies ECON6, ECON7 E (4) and G of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms and policy STRAT5 and BE1 of the adopted South Ayrshire Local Plan by reason of the potential detrimental impact on residential amenity of communities and dwellings within the locality due to the scale, visual dominance, noise and shadow flicker of the wind turbines. The applicant has not demonstrated that the impact will be acceptable. There are no over-riding reasons to depart from development plan policy;
- (f) that the proposed development would be contrary to policies STRAT1, ENV6 and ECON7 of the Ayrshire Joint Structure Plan, policies STRAT5 and BE6 of the South Ayrshire Local Plan, and Scottish Planning Policy in that the proposal would have an unacceptable impact on the setting of the Cairnderry Chambered Cairn Scheduled Ancient Monument. There is no over-riding reason to depart from development plan policy of government guidance in this instance;
- (g) that on the basis of the submitted information, the proposed development is considered to be detrimental to natural heritage interests as it is likely that the proposed turbines would be within 50metres of existing hedges and / or trees and would therefore be contrary to policies STRAT1, ECON6 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on windfarms, policies STRAT5, ENV2 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice with regard to natural heritage. There are no overriding reasons to depart from SPP, the development plan or the AJSP Addendum on windfarms; and
- (h) that the proposed development is contrary to policy ECON7 of the Strathclyde Structure Plan in that it may have an adverse impact on Aviation and Defence interests.

List of Determined Plans:

Other - Reference No (or Description): VOLUME 3 FIGURE 01.1 REV. A3;
 Other - Reference No (or Description): VOLUME 3 FIGURE 02.01 REV. A2;
 Other - Reference No (or Description): VOLUME 3 FIGURE 02.02;
 Other - Reference No (or Description): VOLUME 3 FIGURE 02.03;
 Other - Reference No (or Description): VOLUME 3 FIGURE 02.06;
 Other - Reference No (or Description): VOLUME 3 FIGURE 02.09; and
 Other - Reference No (or Description): VOLUME 3 FIGURE 02.10.

- (2) **13/00701/APP – Kirkoswald – Proposed wind turbines, U69 from A77 near Crossraguel – U38 near Kirkoswald – [\(link attached\)](#)** Erection of two wind turbines, meter house and formation of associated access track.

The Panel heard from the relevant parties, including a Local Member, namely Councillor Connolly (in attendance for this item only).

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 and policy ECON6 of the Ayrshire Joint Structure Plan by reason of it not conserving the quality of built heritage resources due to its size and position;
- (b) that the proposed development is contrary to policy ENV1 of the Ayrshire Joint Structure Plan by reason of it not maintaining or enhancing historic landscapes and prominent views due to its size and position;
- (c) that the proposed development is contrary to policy STRAT5 of the South Ayrshire Local Plan and policy 5ENV6 of the Ayrshire Joint Structure Plan by reason of it having an adverse impact on listed buildings of architectural and historic interest and archaeological locations and landscapes, due to its size and position;
- (d) that the proposed development is contrary to policy SERV3 of the South Ayrshire Local Plan by reason of it not being acceptable in terms of environmental impacts due to its size and position;
- (e) that the proposed development is contrary to policy BE2 and policy BE6 of the South Ayrshire Local Plan by reason of it not protecting the setting of listed buildings or scheduled Ancient Monuments, due to its size and position;
- (f) that the proposed development is contrary to Scottish Planning Policy and the Scottish Historic Environment Policy by reason of it not being appropriate in terms of landscape and visual impact, and by reason of it having an adverse impact on the setting of listed buildings and Scheduled Ancient Monuments, due to its size and position; and

- (g) that the proposed development is contrary to policy ECON6 of the Ayrshire Joint Structure Plan and policy STRAT5 of the South Ayrshire local Plan by reason of it having an unacceptable impact on residential amenity.

List of Determined Plans:

Drawing - Reference No (or Description): 001;
 Drawing - Reference No (or Description): APPENDIX A - FIGURE 2 – 002;
 Drawing - Reference No (or Description): APPENDIX A - FIGURE 3 – 003;
 Drawing - Reference No (or Description): APPENDIX A - FIGURE 3A - 003A;
 Drawing - Reference No (or Description): APPENDIX A - FIGURE 4 - NW225/30;
 and
 Drawing - Reference No (or Description): APPENDIX A - FIGURE 1 - WV1016/001/B.

- (3) **13/00652/APP – AYR – Belleisle Cafe, Belleisle Park, Doonfoot Road – [\(link attached\)](#)** Erection of golf clubhouse with ancillary shop and restaurant and erection of temporary plant room.

Adjournment.

The time being 11.43 a.m., it was agreed to adjourn until 11.50 am to allow a matter that had arisen to be dealt with.

Resumption of meeting.

The meeting resumed at 11.50 a.m.

Councillor McFarlane moved that the application be continued to a future meeting but failed to find a seconder and therefore her Motion fell. She requested that her dissent be recorded.

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 boiler plant building is limited to a period of three years from the date of this permission when the structure 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 1 month prior to the expiry of this permission for the prior written approval of 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 the level of retailing permitted within the development hereby approved shall be restricted to the retail gross floorspace, as detailed in the approved plans; and
- (e) no development shall commence until a plan indicating trees to be removed, those to be retained, and protective measures in accordance with B.S. 583:12 has been submitted to and approved by the planning authority. Only those trees specified for removal on the approved plan shall be removed, and works shall only commence when the approved protective measures are in place; and
- (f) no development shall commence until plans and detailed schedule of compensatory planting (location, species, density, timescale for implementation and maintenance measures) has been submitted to and approved in writing by 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 building is of a temporary nature and is only acceptable as a temporary expedient;
- (c) in the interests of visual amenity;
- (d) in order to retain full control over the development and to comply with the policy provisions of the adopted South Ayrshire Local Plan;
- (e) to limit the removal of woodland screening; and
- (f) to mitigate the landscape and visual impact of the development.

List of Determined Plans:

Drawing - Reference No (or Description): 6206 P-1;
 Drawing - Reference No (or Description): 6206 P-2;
 Drawing - Reference No (or Description): 6206 P-3C;
 Drawing - Reference No (or Description): 6206 P-4A;
 Drawing - Reference No (or Description): 6206 P-5A;
 Drawing - Reference No (or Description): 6206 P-6A ;
 Drawing - Reference No (or Description): 6206 P-7;
 Drawing - Reference No (or Description): 6206 P-8A;
 Drawing - Reference No (or Description): 6206 P9;
 Drawing - Reference No (or Description): 6206 P-9A;
 Drawing - Reference No (or Description): 6206 P-10 A;
 Drawing - Reference No (or Description): 6206 P-10;
 Drawing - Reference No (or Description): 6206 P-15;
 Drawing - Reference No (or Description): 6206 P20; 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.

Councillors Hunter and Miller, having previously declared an interest in this planning application, left the meeting at this point.

- (4) 13/00575/APP and 13/00576/LBC –PRESTWICK – 2 The Cross – [\(link attached\)](#)**
Alterations and reinstatement of steeple.

Decided:

- in respect of planning application (Ref. No. 13/00575/APP) 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 prior to the commencement of works on site, further details of all of the proposed materials, and the methodology for rebuilding the steeple shall be submitted for the prior approval of the Planning Authority;
 - (c) that prior to the commencement of works on site, further details of the proposed weather vane, shall be submitted for the prior approval of the Planning Authority; and
 - (d) that prior to the commencement of works on site, details of the reinstatement of the original clock face shall be submitted for the prior approval of the Planning Authority.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity and to safeguard the character and appearance of the Category B Listed Building and its setting;
- (c) in the interests of visual amenity and to safeguard the character and appearance of the Category B Listed Building and its setting; and
- (d) in the interests of visual amenity and to safeguard the character and appearance of the Category B Listed Building and its setting.

- in respect of Listed Building Consent application (Ref. No.13/00576/LBC) to approve the application subject the following conditions and referral to Historic Scotland:-
 - (a) 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;
 - (b) that, prior to the commencement of works on site, further details of all of the proposed materials, and the methodology for rebuilding the steeple shall be submitted for the prior approval of the Planning Authority;
 - (c) that prior to the commencement of works on site, further details of the proposed weather vane, shall be submitted for the prior approval of the Planning Authority; and
 - (d) that prior to the commencement of works on site, details of the reinstatement of the original clock face shall be submitted for the prior approval of the Planning Authority.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity and to safeguard the character and appearance of the Category B Listed Building and its setting;
- (c) in the interests of visual amenity and to safeguard the character and appearance of the Category B Listed Building and its setting; and
- (d) in the interests of visual amenity and to safeguard the character and appearance of the Category B Listed Building and its setting.

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; and
- the related application for listed building consent requires clearance from Historic Scotland. Work should not commence until the applicant is in receipt of all necessary approvals. This is equally applicable to situations where there are related advert and listed building applications.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): EXISTING ELEVATIONS;
 Drawing - Reference No (or Description): PROPOSED ELEVATIONS;
 Drawing - Reference No (or Description): DETAILED SECTION/ELEVATION OF SPIRE PRIOR TO DEMOLITION;
 Drawing - Reference No (or Description): DETAILED SECTION/ ELEVATION OF SPIRE; and
 Other - Reference No (or Description): CONDITION SURVEY REPORT

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, Councillors Hunter and Miller re-joined the meeting.

- (5) **13/00708/APP – 15, 19, 29 and 18-30 Hamilton Street;
 13/00722/APP – 4, 5-7, 10 and 11 Bridge Street and 2-8 Knockcushan Street;
 13/00818/APP – 39 Bridge Street;
 13/00819/APP – 1-3 Dalrymple Street and 2 Hamilton Street;
 13/00820/LBC – 1-3 Dalrymple Street;
 13/00821/LBC – 2 Hamilton Street;
 13/00822/APP – 18-21 Dalrymple Street;
 13/00823/LBC – 18 Dalrymple Street;
 13/00824/LBC – 19 Dalrymple Street;
 13/00825/LBC – 19A Dalrymple Street;
 13/00826/LBC – 21 Dalrymple Street;
 13/00827/APP – 23-25, 27A, 29, 36A and 40 Dalrymple Street;
 13/00829/APP – 43, 49, 54, 54A and 59-61 Dalrymple Street;
 13/00831/APP – 66, 74, 76, 81, 81A, 84, 86, 92, 99,104, 107 and 119 Dalrymple Street;
 13/00832/APP – 11-13, 27, 33 and 35 Knockcushan Street;
 13/00833/APP – 135-135A Dalrymple Street;
 13/00837/LBC – 40 Dalrymple Street; and
 13/00839/LBC – 36A Dalrymple Street.**

- Repainting of shopfronts ([link attached](#)).

The Panel noted that the application above relating to 18 Dalrymple Street, Girvan (Ref: 13/00823/LBC) was withdrawn.

Decided:

- (a) to approve planning applications 13/00708/APP, 13/00722/APP, 13/00818/APP, 13/00819/APP, 13/00822/APP, 13/00827/APP, 13/00829/APP, 13/00831/APP, 13/00832/APP and 13/00833/APP 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; and

- (b) to approve listed building consent applications 13/00820/LBC, 13/00821/LBC, 13/00824/LBC, 13/00825/LBC, 13/00826/LBC, 13/00837/LBC and 13/00839/LBC are approved subject to the condition 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.

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): 7601/04 A;
 Drawing - Reference No (or Description): 7601/01 A;
 Drawing - Reference No (or Description): 7601/04;
 Drawing - Reference No (or Description): 7601/05;
 Drawing - Reference No (or Description): 7601/LBC1;
 Drawing - Reference No (or Description): 7601/LBC2;
 Drawing - Reference No (or Description): 7601/06;
 Drawing - Reference No (or Description): 7601/LBC4;
 Drawing - Reference No (or Description): 7601/LBC5;
 Drawing - Reference No (or Description): 7601/LBC6;
 Drawing - Reference No (or Description): 7601/07;
 Drawing - Reference No (or Description): 7601/08;
 Drawing - Reference No (or Description): 7601/09;
 Drawing - Reference No (or Description): 7601/10;
 Drawing - Reference No (or Description): 7601/11;
 Drawing - Reference No (or Description): 7601/LBC9;
 Drawing - Reference No (or Description): 7601/LBC8;
 Drawing - Reference No (or Description): PROPERTY GROUP KEY PLAN; and
 Other - Reference No (or Description): PROPERTY _COLOUR CHOICE SCHEDULE.

Reason for Decision (Planning Applications):

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.

Reason for Decision (Listed Building Consent Applications):

It is considered that the proposal does not detrimentally affect the traditional character or appearance of this statutorily listed building.

At this point, the time being 12.30 p.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. 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.

6. Minutes of previous meeting.

The minutes of 15th July 2013 (Special) (issued) ([link attached](#)) were submitted and approved.

7. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer advised that there was no update report at this time.

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

(a) Taxi Drivers.

- (i) The Panel heard an observation from Police Scotland and heard from the applicant, Thomas Derek O'Ware in response.

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

- (ii) The Panel heard an observation from Police Scotland and heard from the applicant, Keith Carne Greig, in response.

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

- (iii) The Panel heard an observation from Police Scotland and heard from the applicant, Edward John Munro, in response.

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

- (iv) The Panel heard from Derek Beattie in relation to his application.

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

- (v) The Panel heard an observation from Police Scotland and heard from the applicant, Thomas McFadyean, in response.

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

- (vi) The Panel heard an observation from Police Scotland and heard from the applicant, Leslie John Connelly, in response.

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

(b) Private Hire Car Driver.

The Panel heard an observation from Police Scotland and the applicant, Geoffrey William Robson and his representative, in response.

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

(c) Skin Piercing/Tattoo Licence.

Lucinao Espindola for premises at 47 Kyle Street, Ayr.

The Panel heard from the objector, from one of the supporters and from the representative for the applicant in response and adjourned for consideration of this application.

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

(d) **Street Trader.**

Rafal Tratnowiecki.

The Panel heard the Solicitor (Licensing) advise that the applicant's representative had requested that this application be continued to a future Panel meeting for consideration.

Decided: at the request of the applicant's representative, that this application be continued to a future meeting of this Panel for consideration.

The meeting ended at 2.40 p.m.