

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 7th November 2013 at 10.00 a.m.

For Items 1 to 4:

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

Apologies: Councillors Ann Galbraith and Sandra Goldie.

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; C. Parish, Planning Development Group Leader; D. Clark, Supervisory Planner; and A. Gibson, Committee Services Officer.

For Items 5 to 10:

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

Apologies: Councillors Ann Galbraith, Sandra Goldie and Rita Miller.

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

In Attendance: K. Leinster, Head of Community Care and Housing; D. MacKintosh, Solicitor;
(for item 10 only) K. Anderson, Private Sector and Landlord Registration Officer; and
P. Cuthbert, Private Sector Enforcement Officer.

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

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. Minutes of previous meetings.

The minutes of 26th September 2013 (issued) ([link attached](#)) were submitted and approved.

3. Continued Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) **06/01673/FUL – AYR – Land at Lochside Road** – Erection of football stadium, residential development and associated works ([link attached](#)).

Decided: to refuse the application on the grounds that the proposals are contrary to policy IMP1 of the South Ayrshire Local Plan in that the infrastructure consequences of the development cannot be mitigated.

List of Determined Plans:

Drawing - Reference No (or Description): Refused Location Plan;
 Drawing - Reference No (or Description): Refused AL (00) 001 F;
 Drawing - Reference No (or Description): Refused AL (00) 010 A;
 Drawing - Reference No (or Description): Refused AL (00) 020 A;
 Drawing - Reference No (or Description): Refused AL (00) 030;
 Drawing - Reference No (or Description): Refused AL (00) 100 E;
 Drawing - Reference No (or Description): Refused AL (00) 101A;
 Drawing - Reference No (or Description): Refused 2009/05/A1/01;
 Drawing - Reference No (or Description): Refused 2009/05/A0/02;
 Drawing - Reference No (or Description): Refused 2009/05/A0/03;
 Drawing - Reference No (or Description): Refused 2009/05/A0/04;
 Drawing - Reference No (or Description): Refused 2009/05/A0/06;
 Drawing - Reference No (or Description): Refused 2009/05/A0/07;
 Drawing - Reference No (or Description): Refused 2009/05/A0/08;
 Drawing - Reference No (or Description): Refused 2009/05/A3/09
 Drawing - Reference No (or Description): Refused 2009/05/A3/11;
 Drawing - Reference No (or Description): Refused 2009/05/A0/011;
 Drawing - Reference No (or Description): Refused 2009/05/A0/012;
 Drawing - Reference No (or Description): Refused Lochside 1C Landscape Proposals; and
 Drawing - Reference No (or Description): Refused Lochside 1C Play/Landscape Proposals.

- (2) **06/01674/FUL – AYR – Ayr United Football Ground, Somerset Road** – Erection of flatted development ([link attached](#)).

Decided: to refuse the application on the grounds that the proposals are contrary to policy IMP1 of the South Ayrshire Local Plan in that the infrastructure consequences of the development cannot be mitigated.

4. **Applications for Planning Permission.**

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

The Panel decided as follows:-

- (1) **13/00800/FURM – MONKTON – Land at Main Street** – Further application so as not to comply with condition 5 of planning permission 11/00426/APPM ([link attached](#)).

Decided: to refuse the application in that condition 5 of planning consent reference number 11/00426/APPM shall not be varied with regard to the 1.8 metre high close boarded fencing erected at plots 24, 27 and 28 on the basis that the close boarded vertical timber fencing has a detrimental visual impact on the locality at a prominent gateway entrance to the site within an area of open space and also directly alongside a public road opposite a plot where a feature wall with timber panel infill has been used. This leads to a lack of visual integration between the affordable housing and the remainder of the development. The low quality of design in this case is contrary to the clear aspirations for design quality and placemaking in new residential developments as expressed in SPP, Designing Places and South Ayrshire Local Plan policies STRAT5, H6, H7, BE1 and the Council's supplementary planning guidelines on 'Open space and Designing New Residential Developments' and 'New Housing Developments and Affordable Housing: A Guideline for Developers'. There is no over-riding reason to depart from government policy, the development plan or supplementary planning guidelines.

List of Determined Plans:

Drawing - Reference No (or Description): BP1 Location Plan;
 Drawing - Reference No (or Description): 20_001AF Site Layout Plan – Plots; and
 Drawing - Reference No (or Description): 20_F01 E layout and elevations

- (2) **13/00852/APP – AYR – Lock Ups, Housing Access to Lock-Ups on north side of Woodpark** – Erection of six dwellinghouses ([link attached](#)).

Decided: to agree that the Executive Director – Economy, Neighbourhood and Environment be given delegated powers to approve this application subject to the lodging of a financial contribution of £2,100 in lieu of play facilities and 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 occupancy of the proposed residential units shall be restricted solely to those with special needs arising in one or more of the following categories; those on the Council's medical priority list, those with physical disabilities and older people with mobility difficulties. Any variation from this list of occupancy types shall be submitted for the prior written approval of the Planning Authority;
- (c) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (d) 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;
- (e) that the existing tree on the site shall be retained and protected in accordance with BS5837:2005 Trees in relation to Construction, to the satisfaction of the Planning Authority;
- (f) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the tree on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;
- (g) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m². The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;
- (h) the existing footway crossing to the lock-up garages shall be removed and the footway reinstated in accordance with the specifications in the Council's Roads Development Guide before completion of the development;

- (i) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to development completion. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (j) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (k) that driveway access visibility sightline splays of 2 metres by 20 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (l) that 6 off-road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to completion of the development;
- (m) that a 2 metre wide public footway shall be provided along the site frontages on both Woodpark to the south and Woodpark Crescent to the east, in accordance with the specifications in the Council's Roads Development Guide before development completion;
- (n) that bin collection points shall be located a maximum of 15 metres from the public carriageway before completion of the development. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site; and
- (o) 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 ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the amenity and open space provision of the proposed development is acceptable only on the basis that it is to be occupied by a limited range of people with medical needs that would benefit from shared amenity space and shared supervision;
- (c) in the interests of visual and residential amenity;
- (d) in the interests of visual amenity;
- (e) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;

- (f) in order to ensure that no damage is caused to the existing tree during development operations;
- (g) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (h) in the interest of road safety and to ensure an acceptable standard of construction;
- (i) in the interest of road safety and to ensure an acceptable standard of construction;
- (j) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (k) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (l) in the interest of road safety and to ensure adequate off-street parking provision;
- (m) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (n) in the interest of road safety; and
- (o) in the interest of road safety and to avoid the discharge of water on to the public road.

Advisory Notes:

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): LOCATION PLAN;
 Other - Reference No (or Description): SITE PHOTOGRAPHS;
 Drawing - Reference No (or Description): (L) W52A 2 person (End);
 Drawing - Reference No (or Description): (L) W52B 2 person (Mid);
 Drawing - Reference No (or Description): (L) W54 4 person;
 Drawing - Reference No (or Description): (L)W52B Proposed elevations;
 Drawing - Reference No (or Description): 213066LA landscape plan;
 Drawing - Reference No (or Description): 213066S Topographical;
 Drawing - Reference No (or Description): 313066L Proposed site 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.

- (3) **13/00954/APP – BALLANTRAE – 51 Main Street** – Erection of dwellinghouse and boundary wall ([link attached](#)).

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

- (4) **13/00812/MDO – COYLTON – Drumcoyle, C116 Woodhead Road, Coylton – B742 at Bridgend, north-east from Coylton** – Discharge of Minute of Agreement (Section 50) February 1996 (Planning Permission P/95/0214) ([link attached](#)).

Decided: to approve the application.

Reason for Decision:

The Modification of the Minute of Agreement 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.

Advisory Note:

Where a planning obligation or GNA has been registered in the General Register of Sasines or in the Land Register of Scotland, any determination to modify or discharge the obligation or GNA does not take effect until the determination is also registered in the appropriate register. It is a matter for the applicant to ensure that this is done in order that the determination can take effect.

List of Determined Plans:

Drawing - Reference No (or Description): 0347 01 Rev. A.

- (5) **13/00903/APP – AYR – Queen Margaret Academy, Dalmellington Road** – Alterations and re-roofing of school ([link attached](#)).

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;

Drawing - Reference No (or Description): 102;

Drawing - Reference No (or Description): 103;

Drawing - Reference No (or Description): 200 REV A;

Drawing - Reference No (or Description): 201 REV A;

Drawing - Reference No (or Description): 202 REV A;

Drawing - Reference No (or Description): 601 REV A;
 Drawing - Reference No (or Description): 602 REV A;
 Drawing - Reference No (or Description): 603 REV A;
 Drawing - Reference No (or Description): 604 REV A; and
 Drawing - Reference No (or Description): 605 REV A

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) **13/01013/APP – BARR – Stinchar Road – Formation of hardstandings to form sundial [\(link attached\)](#).**

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 (1:1250);
 Drawing - Reference No (or Description): LOCATION PLAN (NTS);
 Drawing - Reference No (or Description): BC/AF/001 A; and
 Other - Reference No (or Description): PROPOSED SUNDIAL PHOTOMONTAGE.

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.

- (7) **13/00990/APP – GIRVAN – 78 Dalrymple Street – Repainting of shopfront ([link attached](#)).**

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 colour of paint to be applied to the external walls of the shopfront shall be agreed in writing with 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) in the interests of visual amenity.

List of Determined Plans:

Drawing - Reference No (or Description): 7601/12;

Drawing - Reference No (or Description): PROPERTY GROUP KEY PLAN; and

Other - Reference No (or Description): PROPERTY - COLOUR CHOICE SCHEDULE.

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 11.05 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

5. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

6. **Declaration of Interest.**

Councillor Campbell declared an interest in application number 8(b)(i) of this minute as the applicant was known to him and indicated that he would withdraw from the meeting during consideration of this item at the appropriate point during the meeting.

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 Vehicle.**

The Panel heard an observation from Police Scotland and heard from the applicant, Robert McCubbin, in response.

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

(b) **Taxi Drivers.**

Councillor Campbell, having previously declared an interest in the following item of business, left the meeting during consideration of this matter.

- (i) The Panel heard an objection from Police Scotland and heard from the applicant, Kerr P. D. Harris, in response.

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

By way of Amendment, Councillor McFarlane, seconded by Councillor Douglas, moved that this application be refused on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

On a vote being taken by a show of hands, two members voted for the Amendment and two for the Motion. Councillor Convery then exercised his casting vote in favour of the Motion.

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

At this point, Councillor Campbell re-joined the meeting.

- (ii) The Panel heard from Christian R. Berthaud 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 Police Scotland in relation to the application from Duncan Robinson Reid.

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

- (iv) The Panel heard an observation from Police Scotland and heard from the applicant, Robert McCubbin, in response.

A copy of an observation from Police Scotland was circulated and then Councillor Convery, seconded by Councillor Hunter, moved that the application be approved for three years.

By way of Amendment, Councillor McFarlane, seconded by Councillor Campbell, moved that the application be approved for one year.

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

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, Paul James Ellis, in response.

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

- (vi) Reference was made to the Minutes of 15th March 2012 (Page 180, paragraph 6(a)(viii)) when it had been decided, in the absence of the licence holder, to suspend the licence currently held by George Bain with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued and the Panel considered the letter submitted by Mr. Bain requesting that the suspension of his licence now be recalled as he had completed the appropriate training course.

Decided: having heard from the applicant, to recall the suspension of the licence previously held by George Bain as he had now completed the appropriate training course.

- (vii) The Panel heard an observation from Police Scotland and heard from the applicant, David Dunlop, in response.

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

- (viii) The Panel heard from the Solicitor (Licensing) in relation to the application from Fiona Jane Laird advising that the applicant's solicitor had requested a continuation of this application.

Decided: at the request of the applicant's Solicitor, to continue consideration of this application to a future meeting of this Panel.

- (ix) The Panel heard an observation from Police Scotland and heard from the applicant, Kevin Spence, in response.

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

- (x) The Panel heard an observation from Police Scotland, heard from the applicant, Chaudhry Manwar, in response and adjourned for consideration of this application.

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

- (xi) The Panel considered the proposed suspension of various licences.

Decided:

- (A) to agree to suspend the licences held by the following for their unexpired portions as they had failed to undertake training as per the licences issued to them and to grant delegated powers to the Solicitor (Licensing) to reinstate these licences once proof of completion of the training course had been exhibited:-

Cheryl Patricia McSorley;
 Mark David Andrew Orr;
 William Robinson Murphy;
 Ronald McClinton;
 David Blane;
 Paul Cavens McIlwraith;
 Robert Bell;
 Derek George Milligan;
 Elizabeth McSorley;
 Thomas Lynch;
 Robert Madgwick;
 Patrick Gary Welsh;
 Gordon Francis Christie; and
 Christopher Luby;

- (B) having heard the following licence holders advise that they were now enrolled on the appropriate training course, to continue the hearings to allow the licence holders to complete the training course and to submit proof of completion of the training course:-

Ronnie McCutcheon;
 Alan Chivas; and
 Michael Andrew Ahern; and

- (C) having heard that Susan Elaine Lambie had now completed an appropriate training course, to take no further action.

(c) Private Hire Car Drivers.

- (i) Reference was made to the Minutes of 26th September 2013 (Page 9, paragraph 11(b)(ii) when it had been decided to continue consideration of this application to a future meeting of this Panel for further information to be sought and the Panel considered the application from Ian McIllooney.

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

- (ii) Reference was made to the Minutes of 26th September 2013 (Page 9, paragraph 11(b)(iii) when it had been decided
 - (A) to suspend the licence currently held by Darren Davidson with immediate effect for a period of six weeks on the grounds stated in Schedule 1 Paragraph 12 of the Civic Government (Scotland) Act 1982, namely that the carrying on of the activity to which the licence relates is likely to cause a serious threat to public order or public safety; and
 - (B) that further information be sought regarding this matter and it be reported back to the next meeting of this Panel

and the Panel now heard an observation from Police Scotland and the applicant, Darren Davidson in response.

Decided: to take no further action.

- (iii) The Panel considered the application from Daniel Stephen McKenzie.

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

(d) **Skin Piercing/Tattoo Licence.**

Francis Chastey for Unit 2, Burns Statue Arcade, Ayr.

The Panel heard an observation from Police Scotland and the applicant, Francis Chastey, in response.

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

(e) **Street Trader.**

Darren Sharp for High Street, Ayr Town Centre.

The Panel considered the application from Darren Sharp.

Decided: in the absence of the applicant, to approve this application for the sale of glow in the dark novelties at High Street, Ayr Town Centre on Saturday 16th November 2013 from 10.00 a.m. to 7.00 p.m.

(f) **Late Hours Catering.**

Phedra McIndoe for 9/10 Boswell Park, Ayr, KA7 1NS.

The Panel heard an observation from Police Scotland and from the applicant, Phedra McIndoe in response.

Decided: to approve this application subject to standard conditions and subject to appropriately badged door stewards being present on the premises every evening from midnight until the close of business, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 3.30 a.m.

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 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.

10. **Private Landlord Registration.**

There was submitted a report (issued to members only) of 22nd October 2013 by the Executive Director – Care, Learning and Wellbeing

- (1) requesting that the Panel determine if Mr. Leonardo Ippolito was a fit and proper person to be a private landlord in South Ayrshire in terms of the Anti-social Behaviour etc (Scotland) Act 2004 and;
- (2) advising that, should he be found not a fit and proper person to be a private landlord, he would be deregistered and would no longer be able to let residential property in South Ayrshire.

The Panel then heard from the Head of Community Care and Housing and from the licence holder's representative in response and, following discussion, adjourned for consideration of this matter.

Decided: upon reconvening, that Leonardo Ippolito was not a fit and proper person to be a private landlord in South Ayrshire in terms of the Anti-Social Behaviour etc (Scotland) Act 2004 and, therefore, that he be deregistered and no longer able to let residential property in South Ayrshire.

The meeting ended at 5.10 p.m.