

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 20th February 2014 at 10.00 a.m.

**For Items 1 to 5:**

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

Apology: Councillor Sandra Goldie.

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; C. Parish; Planning Development Group Leader; F. Sharp, Supervisory Planner; R. Cairns, Team Leader (Building Standards); E. Kelty, Roads Engineering Officer; and A. Gibson, Committee Services Officer.

**For Items 6 to 10:**

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

Apologies: Councillors Sandra Goldie and Hugh Hunter.

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

**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 meeting.**

The Minutes of 23rd January 2014 (issued) ([link attached](#)) were submitted and approved.

**3. Order Under the Road Traffic Regulation Act 1984.**

There were submitted a report (issued) ([link attached](#)) of 30th January 2014 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to make an Order under the Road Traffic Regulation Act 1984, namely "South Ayrshire Council (Ayr Town Centre) (Parking Places) Order 2014".

Clarification was sought and provided with regard to the necessity for this Order and the use of charging bays for electric vehicles.

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

#### 4. Wind Turbine Applications and the Scheme of Delegation.

There was submitted a report (issued) ([link attached](#)) of 27th January 2014 by the Executive Director – Economy, Neighbourhood and Environment in relation to how the planning applications for wind turbine generators as detailed at items 5(1) and (2) below should be heard by the Panel.

**Decided:** to agree that procedural arrangements be modified in this instance, to allow for the hearings to be conducted for both planning applications detailed at 5(1) and (2) below, prior to their determination.

#### 5. Applications for Planning Permission.

There were submitted reports (issued) of February 2014 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) **13/00836/APP – PINMORE – Proposed Wind Turbine, B743 Pinmore Bridge A714 - Barr** – Erection of wind turbine, associated infrastructure and formation of associated access track ([link attached](#)).
- (2) **13/00753/APP – PINMORE – Proposed Wind Turbine, Pinmore Main Farm, B743 Pinmore Bridge A714 - Barr** - Erection of wind turbine, associated infrastructure and formation of associated hardstanding and access track ([link attached](#)).

**With regard to the planning application detailed at (1) above:-**

Councillor Douglas, seconded by Councillor Campbell, moved that the Panel should conduct a site visit.

By way of an Amendment, Councillor Hunter, seconded by Councillor Miller, moved that a site visit was not required and that the Panel determine this application today at this meeting.

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

Councillor Douglas, seconded by Councillor Campbell, moved that the application be approved, subject to the conditions as detailed in the report.

By way of an Amendment, Councillor Hunter, seconded by Councillor Galbraith, moved that the application be refused on the following grounds:-

- (a) that the proposed development would be contrary to policy STRAT5b) of the South Ayrshire Local Plan, as it is considered that the proposed turbine would represent an undesirable landscape and visual impact on the sensitive landscape character area and in combination with other wind turbine development would have a cumulative and significant adverse effect on the landscape character and visual amenity. There are no overriding reasons to depart from development plan policy or government policy and guidance; and
- (b) that the proposed development would be contrary to policy STRAT5e) of the South Ayrshire Local Plan, as there is insufficient and inadequate information submitted to satisfy the Planning Authority that the proposed turbine in combination with other wind turbine development would not have a cumulative noise impact resulting in an adverse effect on the residential amenity of neighbouring properties.

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

**Decided:** to refuse the application on the grounds as detailed at (a) and (b) above.

**List of Refused Plans:**

Drawing - Reference No (or Description): PHOTOMONTAGE VIEWPOINT KEY;  
 Drawing - Reference No (or Description): SITE PLAN 1:1250;  
 Drawing - Reference No (or Description): WIREFRAME VIEWPOINTS;  
 Drawing - Reference No (or Description): ZTV TO HUB HEIGHT;  
 Drawing - Reference No (or Description): ZTV TO TIP HEIGHT;  
 Drawing - Reference No (or Description): STATUTORY DESIGNATIONS 005;  
 Drawing - Reference No (or Description): HABITAT SURVEY PLAN;  
 Drawing - Reference No (or Description): LOCATION & OWNERSHIP PLAN;  
 Drawing - Reference No (or Description): TURBINE ELEVATIONS 1013417 Rev. C;  
 Drawing - Reference No (or Description): PHOTOMONTAGE VIEWPOINTS;  
 Other - Reference No (or Description): ARCHAEOLOGICAL ASSESSMENT;  
 Other - Reference No (or Description): ECOLOGY APPRAISAL - PHASE 1 HABI;  
 Other - Reference No (or Description): NOISE ASSESSMENT;  
 Other - Reference No (or Description): SUPPORTING STATEMENT;  
 Other - Reference No (or Description): PHOTO MONTAGE;  
 Drawing - Reference No (or Description): SUPPORTING DOCUMENTATION;  
 Drawing - Reference No (or Description): SUPPORTING DOCUMENTATION 2; and  
 Drawing - Reference No (or Description): SUPPORTING DOCUMENTATION 3.

**With regard to the planning application detailed at (2) above:-**

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

- (a) that the proposed development would be contrary to policies STRAT1, STRAT2, ECON6, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice. It is considered that due to the large size, prominent position and insensitive siting of the proposed wind turbine development, its impact on the skyline, the lack of backclothing, the wider visibility of the turbine and the absence of any mitigating landscape factors, that the proposed development is likely to have a significant adverse landscape and visual impact. There are no over-riding reasons to depart from development plan policy or government policy and guidance;
- (b) that the proposed development would be contrary to policies STRAT1, STRAT2, ECON6, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8 and SERV3 of the adopted South Ayrshire Local Plan, guidance contained in the South Ayrshire Landscape wind capacity Study (2013) and Scottish Planning Policy & Advice in that the proposed development, in combination with other wind turbine development, represents an undesirable visual extension of wind turbine development into a sensitive landscape character area and would have a cumulative and significant adverse effect on landscape character and visual amenity. The submitted documentation is not considered to be adequate in terms of the cumulative assessment methodology recommended by SNH. There are no over-riding reasons to depart from development plan policy, local detailed landscape guidance or government policy and guidance;
- (c) that the application proposal is contrary to policies STRAT1, STRAT2, ECON6, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, STRAT5, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice in that, on the information available, it is considered to have an adverse landscape, visual and cumulative impact on the important tourism resource in the locality of the application site, specifically on the basis that the site is located within a 'sensitive landscape character area' which is identified as a 'regionally significant tourist resource' in the AJSP Addendum. There are no over-riding reasons to depart from development plan policy or government policy and guidance; and
- (d) that the proposed development would be contrary to policy STRAT5e) of the South Ayrshire Local Plan, as there is insufficient and inadequate information submitted to satisfy the Planning Authority that the proposed turbine in combination with other wind turbine development would not have a cumulative noise impact resulting in an adverse effect on the residential amenity of neighbouring properties.

**List of Refused Plans:**

Drawing - Reference No (or Description): APP-001 location and site plan;  
 Drawing - Reference No (or Description): APP-100 turbine elevation; and  
 Other - Reference No (or Description): ENVIRONMENTAL REPORT.

- (3) **13/01183/PPPM – AYR – Cunning Park, Doonfoot Road** – Planning permission in principle for erection of a residential development ([link attached](#)).

**Adjournment.**

At this point, the time being 11.40 a.m., the Panel agreed to adjourn for five minutes.

**Resumption of meeting.**

The Panel resumed at 11.45 a.m.

**The Panel noted that the Scottish Environment Protection Agency and Building Standards, South Ayrshire Council had withdrawn their objections to this proposal.**

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

- (a) that the proposed development is contrary to policy ENV5 of the South Ayrshire Local Plan which presumes in favour of safeguarding all green spaces which are important to local amenity and this proposed development would have an unacceptable impact on locally important landscape views and assets. No adequate justification has been submitted to make an exception to this policy;
- (b) that the proposed development is contrary to policy ENV2 of the South Ayrshire Local Plan which presumes in favour of safeguarding the integrity of sites of local natural heritage value. No adequate justification has been submitted to make an exception to this policy;
- (c) that the proposed development is contrary to policy ENV3 of the South Ayrshire Local Plan which requires that regard is had to safeguarding features of nature conservation including wildlife corridors in accordance with the Wildlife Strategy. No adequate justification has been submitted to make an exception to this policy; and
- (d) that the proposed development is contrary to policy H7 of the South Ayrshire Local Plan as the character and amenity of the area would not be protected in that the proposed land raising would adversely impact on the adjacent housing area.

**List of Refused Plans:**

Drawing - Reference No (or Description): LOCATION PLAN 970-S301b;  
 Drawing - Reference No (or Description): LAND OWNERSHIP 970-S302b;  
 Drawing - Reference No (or Description): PROP SITE PLAN 970-D210a;  
 Drawing - Reference No (or Description): EX SITE PLAN 970-S201a;  
 Drawing - Reference No (or Description): LEVELS STRATEGY 104 Rev B;  
 Drawing - Reference No (or Description): PROP DRAINAGE LAYOUT 109 Rev B;  
 Other - Reference No (or Description): AVR METH STAT;  
 Other - Reference No (or Description): ECOL ASSESS;  
 Other - Reference No (or Description): EST AGENT STAT;  
 Other - Reference No (or Description): PLANNING STAT;  
 Other - Reference No (or Description): TRANS STAT;  
 Other - Reference No (or Description): PAC REPORT;  
 Other - Reference No (or Description): FLOOD RISK ASS; and  
 Other - Reference No (or Description): S.I. REPORT.

- (4) **13/01195/APP – PRESTWICK – 34 Kirk Street** – Sub-division of class 5 industrial site and alterations and extension to tyre and exhaust centre ([link attached](#)).

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

- (5) **13/01303/APP – AYR – 2 Cambuslea Road** – Sub-division, alterations and change of use of part bathroom retail showroom/store to form dance studio ([link attached](#)).

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

- (a) that the development proposal is contrary to Strategic Policy STRAT5 of the Adopted South Ayrshire Local Plan by virtue of constituting an intensification of commercial activity which shall generate increased noise, activity, vehicle and pedestrian movements, which shall detract from the residential character and amenity of this established area, and no justification has been provided for a departure from this policy;
- (b) that the development proposal is contrary to Policy H7 of the Adopted South Ayrshire Local Plan by virtue of constituting an intensification of commercial activity which shall generate increased noise, activity, vehicle and pedestrian movements, which shall detract from the residential character and amenity of this established area, and no justification has been provided for a departure from this policy;
- (c) that the development proposal is contrary to Policy BE1 of the Adopted South Ayrshire Local Plan by virtue of constituting an intensification of commercial activity which shall generate increased noise, activity, vehicle and pedestrian movements, which shall detract from the residential character and amenity of this established area, and no justification has been provided for a departure from this policy;

- (d) that the development proposal shall generate additional trips to the application site and its locality, which due to the lack of adequate and dedicated off-road parking for the facility, shall result in increased on-street parking in the vicinity, to the detriment of road safety; and
- (e) that it has not been demonstrated through the submission of a noise impact assessment that the proposal shall not adversely impact on the amenity of nearby residential properties.

**List of Refused Plans:**

Drawing - Reference No (or Description): 540/01;  
 Drawing - Reference No (or Description): 540/02; and  
 Drawing - Reference No (or Description): 540/03.

**At this point, the time being 1.00 p.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.**

**6. Resumption of Meeting.**

The meeting resumed at 2.00 p.m.

**7. 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.

**8. Update from Licensing Monitoring Officer.**

The Licensing Monitoring Officer

- (1) advised that she had been collating statistics on the number of vehicles presented for testing and the number of failures;
- (2) outlining
  - (a) that in 2012, 146 taxi vehicle tests had been carried out and 44 had failed which was a 30% failure rate;
  - (b) that in 2013, 146 taxi vehicle tests had been carried out and 39 had failed which was a failure rate of 26%;
  - (c) that in 2012, 163 private hire vehicle tests had been carried out and 13 had failed which was a failure rate of 8%; and

- (d) that in 2013, 157 private hire vehicle tests had been carried out and 17 had failed which was a failure rate of 11%;
- (3) reporting that, should an operator fail two consecutive tests, he/she would be issued with a warning letter and if he/she then failed a third test, this would be brought to the attention of this Panel.

**Decided:** to thank the Licensing Monitoring Officer for her update and to agree that these statistics be presented to the Panel on a quarterly basis.

## 9. **Civic Government (Scotland) Act 1982 - Licences.**

### (a) **Taxi Drivers.**

- (i) The Panel heard from Thomas Alexander Fox in relation to his application.

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

- (ii) The Panel heard from Anthony Philip Mancini in relation to his application.

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

- (iii) The Panel heard from James Gilmour in relation to his application.

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

### (b) **Taxi Vehicles.**

- (i) The Panel considered the proposed suspension of licence numbers 13/00811/HCVL, 13/00968/HCVL and 13/00969/HCVL and heard from the Solicitor (Licensing) and the representative for the licence holder, David Stewart and adjourned for consideration of this matter.

Upon reconvening, Councillor Convery seconded by Councillor Douglas moved not to suspend licence numbers 13/00811/HCVL, 13/00968/HCVL and 13/00969/HCVL.

By way of Amendment, Councillor Campbell moved that licence numbers 13/00811/HCVL, 13/00968/HCVL and 13/00969/HCVL be suspended on the grounds specified in Paragraph 11(2)(b) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would be refused the grant or renewal of such a licence if he made the application himself. Councillor Campbell failed to find a seconder and, therefore, his Amendment fell and he then requested that his dissent be recorded.



**Decided:**

- (A) not to suspend licence numbers 13/00811/HCVL, 13/00968/HCVL and 13/00969/HCVL; and
  - (B) that the licence holder should provide the Licensing Section, within four weeks, with the DVLA registration documents for the vehicles SD63 EUZ and SD63 EVP in his sole name; the insurance documents for those vehicles and vehicle registration SF10 BOU in his sole name; the final companies house notice showing the resignation of the licence holder as Director of JJ Travel (Ayr) Limited; and a written commitment that the title of vehicles SD63 EUZ and SD63 EVP would pass from the finance company to Mr. Stewart at the end of the finance periods.
- (ii) The Panel heard from the Solicitor (Licensing) advising that this vehicle had now been presented for testing and had passed, however, no plate had been issued, and from the representative for the applicant, David Stewart in response and in relation to this application and adjourned for consideration of this application.

Upon reconvening, Councillor Convery, seconded by Councillor Douglas moved that this application be granted for three years.

By way of Amendment, Councillor Campbell moved that the application for licence number 13/00970/HCVL for vehicle registration number SF58 DTX be refused on the grounds specified in Paragraph 5(3)(b) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that the activity to which it relates would be managed by or carried out for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself. Councillor Campbell failed to find a seconder and, therefore, his Amendment fell and he then requested that his dissent be recorded.

**Decided:** to approve this application for vehicle SF58 DTX for three years.

**Councillor Galbraith left the meeting during the adjournment of the above two items.**

**(c) Private Hire Car Driver.**

The Panel considered the proposed suspension of the licence held by George Campbell Kiltie.

**Decided:** having heard the licence holder advise that he had now enrolled on the appropriate training course, to continue this matter to allow the licence holder to complete the training course and to submit proof of completion of the training course.

(d) **Late Hours Catering.**

**KG Fishbar Limited and Stewart Meakin for premises at 1 Main Street, Prestwick, KA9 1HG.**

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

**Decided:** to approve this application subject to standard conditions, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 2.00 a.m.

10. **Landlord Registration – Leonardo Ippolito.**

**Decided:** at the request of the applicant's representative, to continue consideration of this matter to a future meeting of this Panel.

The meeting ended at 3.35 p.m.