

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 19th January 2012 at 10.00 a.m.

For item 1:

Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.

Attending: W. Carlaw, Acting Legal Manager; C. Cox, Planning Manager; I. Simpson, Supervisory Planner (Development Management); and A. Gibson, Committee Administrative Officer.

For items 2 to 4:

Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.

Apology: Councillor John Allan.

Attending: C. Neillie, Solicitor; M. Douglas, Licensing Policy Officer; and J. McClure, Committee Administrative Officer.

Also Attending: Inspector W. Ramsay and Sergeant U. Menzies, Strathclyde Police.

1. Applications for Planning Permission.

There were submitted reports (issued) of January 2012 by the Executive Director - Development and Environment and letters of objection or support, as appropriate, on current applications for determination.

The Panel decided as follows:-

(1) 11/01225/PPP – SPRINGS – Willow Grove – Erection of two dwellinghouses.

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

- (a) that formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal; and

the proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;

- (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;

- (c) that at the Approval of Matters Specified in Conditions stage, the detailed plans shall include a design statement which illustrates the scheme's compliance with South Ayrshire Local Plan policy and the Council's Planning Policy No. 9 in relation to 'The Design and Siting of New and Converted Housing in the Countryside';
- (d) that the ash trees within the application site to be pruned or felled, shall be subject to further survey work to confirm the presence or absence of any bat roosts immediately prior to works being carried out;
- (e) that no ground clearance operations including farmland soil and vegetation, particularly hedgerows and trees, shall take place during the bird breeding season (from March to August inclusive). If this is not possible, an ornithologist shall be engaged to survey the ground immediately prior to such works to advise the Council of any bird nesting activity and prior to commencement of work on the site;
- (f) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. 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;
- (g) that before any works start on site, the developer shall institute an accurate survey and tree protection plan in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of all trees. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority;
- (h) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2005 Trees in relation to Construction, to the satisfaction of the Planning Authority;
- (i) 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;
- (j) that the private access shall be surfaced for a minimum of 4 metres as measured from the rear of the public footway prior to occupation. 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; and

- (k) that off-road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. 2 spaces for 2/3 bedroom dwellings, 3 spaces for 4+ bedroom dwellings) within the existing site boundaries prior to completion of the dwellinghouse(s).

Reasons:

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interests of visual amenity and to protect the character of the rural area;
- (d) to comply with Scottish Natural Heritage requirements and in the interests of the natural heritage interests of the site;
- (e) to comply with Scottish Natural Heritage requirements and in the interests of the natural heritage interests of the site;
- (f) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (g) in the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (h) in the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (i) in the interest of road safety and to avoid the discharge of water on to the public road;
- (j) in the interest of road safety and to ensure an acceptable standard of construction; and
- (k) in the interest of road safety and to ensure adequate off-street parking provision.

Advisory Notes:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

List of Determined Plans:

Drawing - Reference No (or Description): 446/01;
 Drawing - Reference No (or Description): 446/02; and
 Drawing - Reference No (or Description): 446/03.

Reason for Decision:

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

- (2) **11/01414/APP – KIRKMICHAEL – Goosehill Farm** – Erection of wind turbine.

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

- (3) **11/01283/APP – AYR – 1A Whitfield Drive** – Change of use and alterations to existing industrial unit to form storage and distribution and associated works.

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (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;
- (c) that off-street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (d) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating the largest size of vehicle expected to be used by or serve the development. The turning area shall be constructed as approved prior to the development being occupied;
- (e) that prior to completion of the development any gates shall open inwards away from the public roadway; and
- (f) that the Class1 retail element of the proposal shall be restricted to a maximum of 10% of the gross floorspace of the unit, and shall be incidental to the storage and distribution use of the building.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of road safety and to ensure adequate off-street parking provision and to reduce the potential for congestion and obstruction caused by off-site car parking;
- (d) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (e) in the interest of road safety; and
- (f) to comply with the provisions of the development plan.

List of Determined Plans:

Drawing - Reference No (or Description): SITE PLAN;
 Drawing - Reference No (or Description): BLOCK PLAN;
 Drawing - Reference No (or Description): LOCATION PLAN; and
 Drawing - Reference No (or Description): PROPOSED FLOOR PLANS AND ELEVATION.

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) 11/01342/APP and 11/01333/LBC – AYR – Alloway Old Church – Installation of Lighting.**

Decided:

- (a) to approve the planning application (ref. 11/01342/APP) subject to the following conditions:-
- (i) that the development hereby permitted shall be begun within three years of the date of this permission;
 - (ii) 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;
 - (iii) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter, the developer shall ensure that the programme of archaeological works shall be fully implemented and that all recording and recovery of archaeological resources within the development site shall be undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
 - (iv) that prior to the commencement of works on site, details shall be submitted of the materials to be utilised for the recessed lights type D and E for the written approval of the Planning Authority;
 - (v) that prior to the commencement of works on site, details shall be submitted of the proposed silhouette mask and protector of light type C, for the written approval of the Planning Authority;
 - (vi) that the lighting hereby approved shall comply with the Institute of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light' GN01. www.ile.org.uk, to the satisfaction of the Planning Authority in conjunction with the Council's Environmental Health Service;
 - (vii) that non-ferrous fixings shall be used, stonework shall not to be drilled or fixed to and where fixings are required near stonework they are to be made at the mortar joint only, and not direct to the stone, to the satisfaction of the Planning Authority; and
 - (viii) that all trenching and digging shall be done by hand. For the avoidance of doubt, the use of machine excavators or compactors shall not be permitted.

Reasons:

- (i) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
 - (ii) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
 - (iii) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
 - (iv) in the interest of visual amenity and to protect the character and amenity of Burns Monument conservation area;
 - (v) in the interest of visual amenity and to protect the character and amenity of Burns Monument conservation area;
 - (vi) in order to prevent a statutory artificial light nuisance;
 - (vii) in the interest of visual amenity and to protect the setting of the listed buildings; and
 - (viii) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.
- (b) to approve the Listed Building Consent application (Ref. 11/01333/LBC) with the following conditions and subject to referral to Historic Scotland:-
- (i) that the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent;
 - (ii) 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;
 - (iii) that non-ferrous fixings shall be used, stonework shall not to be drilled or fixed to and where fixings shall be required near stonework they are to be made at the mortar joint only, and not direct to the stone, to the satisfaction of the Planning Authority; and
 - (iv) that all trenching and digging shall be done by hand. For the avoidance of doubt, the use of machine excavators or compactors shall not be permitted.

Reasons:

- (i) to be in compliance with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (ii) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (iii) in the interest of visual amenity and to protect the setting of the listed buildings; and
- (iv) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

Advisory Notes:

- (A) 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;
- (B) the related application for listed building consent requires clearance from Historic Scotland and that should not commence work until receipt of all necessary approvals. This is equally applicable to situations where there are related advert and listed building applications; and
- (C) the grant of planning permission does not remove the requirement for Scheduled Ancient Monument Consent for any alterations, either internal or external which may be required in order to implement this planning permission.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): BLOCK PLAN;
 Other - Reference No (or Description): INSTALLATION DETAILS;
 Other - Reference No (or Description): LIGHTING EQUIPMENT SCHEDULE;
 and
 Other - Reference No (or Description): PROPOSED GRAVESTONE LIGHTING.

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.

- (5) **11/01214/APP – TROON - 13 Bentinck Drive** – Installation of replacement doors and windows.

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission; and
- (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.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) 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): 01 REV A;
 Drawing - Reference No (or Description): 02 REV A;
 Other - Reference No (or Description): PHOTO Existing Dormer Window;
 Other - Reference No (or Description): PHOTO Existing Front Elevation;
 Other - Reference No (or Description): PHOTO Existing Front Elevation;
 Other - Reference No (or Description): PHOTO Existing Front Window;
 Other - Reference No (or Description): PHOTO Existing Kitchen Door;
 Other - Reference No (or Description): PHOTO Existing Livingroom Door;
 Other - Reference No (or Description): BROCHURE; and
 Other - Reference No (or Description): SUPP DOCS.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

At this point, the time being 10.30 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

2. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

3. 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.

4. Civic Government (Scotland) Act 1982 - Licences.**(a) Taxi Drivers.**

- (i) The Panel considered the application from Richard Wilson. Mr. Wilson was present but advised the Panel that he had nothing to say in support of his application.

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

- (ii) The Panel considered the application from William Lee. Mr. Lee was present but advised the Panel that he had nothing to say in support of his application.

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

- (iii) The Panel heard an observation from Strathclyde Police and the representative for the applicant, Anthony Crichton, in response.

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

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

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 carried.

Decided: to refuse this application on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

- (iv) The Panel heard an observation from Strathclyde Police in relation to the application from James Morton. Mr. Morton was present but advised the Panel that he had nothing to say in support of his application.

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

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

On a vote being taken by a show of hands, four members voted for the Amendment and two for the motion. The Amendment was accordingly declared carried.

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

- (v) The Panel heard an objection from Strathclyde Police and the applicant, Gregor Stewart, in response.

Decided: to refuse this application on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

- (vi) The Panel heard from the representative for the applicant, Hugh Cowan, in relation to his application.

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

By way of Amendment, Councillor Fitzsimmons, seconded by Councillor Campbell moved that the application be approved for two years.

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

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

Councillor Galbraith left the meeting at this point.

- (vii) The Panel heard from Bryan Hart in relation to his application and his request for exemption from wheelchair work.

Decided:

- (A) to approve this application for three years, subject to standard conditions as previously agreed; and
- (B) to approve the request from Mr. Hart for exemption from wheelchair work for the term of his licence and to note that the Licensing Section would supply him with a letter outlining this exemption for the perusal of wheelchair using passengers.

Councillor Galbraith rejoined the meeting at this point.

- (viii) The Panel considered the request from Stephen McMillan for exemption from wheelchair work.

Decided: in the absence of the applicant, to approve the request from Stephen McMillan for exemption from wheelchair work for the remaining term of his licence and to note that the Licensing Section would supply him with a letter outlining this exemption for the perusal of wheelchair using passengers.

- (ix) The Panel heard an observation from Strathclyde Police in relation to the application from Robert Doyle. Mr. Doyle was present but advised the Panel that he had nothing to say in support of his application.

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

(b) Private Hire Car Driver.

The Panel considered the application from James Murphy. Mr. Murphy was present but advised the Panel that he had nothing to say in support of his application.

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

(c) Taxi Vehicles.

(i) The Panel heard that licence number 09/00566/HCVL previously held by Thomas Withers had now been surrendered.

Decided: to note that this licence had now been surrendered.

(ii) The Panel considered the proposed suspension of the licence currently held by Stephen Martin.

Decided: to suspend the licence currently held by Stephen Martin as he had failed to present his car for bi-annual inspection in terms of Condition 3 of the Taxi Vehicle Licence; and to instruct that he return his licence plates when requested.

(iii) The Panel considered the proposed suspension of the licence currently held by David Douglas.

Decided: to suspend the licence currently held by David Douglas as he had failed to present his car for bi-annual inspection in terms of Condition 3 of the Taxi Vehicle Licence; and to instruct that he return his licence plates when requested.

(iv) The Panel heard that licence number 09/00559/HCVL previously held by Thomas Withers had now been surrendered.

Decided: to note that this licence had now been surrendered.

(v) The Panel heard that the licence previously held by Ian White had now been surrendered.

Decided: to note that this licence had now been surrendered.

(d) Street Traders.**Baljinder Singh for Sale of Chips, Pakora, Kebabs, Sweets, Chocolate, etc. from a Mobile Vehicle.**

Decided: to approve this application for three years on condition that Mr. Singh collect litter for ten minutes each time he trades outside a school and subject to standard conditions as previously agreed.

(e) **Public Entertainment.**

Portland Parish Church of Scotland, Troon.

Decided: to continue consideration of this application to allow further information to be sought.

The meeting ended at 2.50 p.m.