

REGULATORY PANEL.

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

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

For Items 1 to 6:

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; M. McClelland, Development Management and Business Change Team Leader; A. Browne, Supervisor Planner; B. Wyllie, Supervisory Engineer (Traffic); and J. McClure, Committee Services Officer.

For Items 7 to 11:

Attending: C. Neillie, Solicitor; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

In Attendance: D. MacKintosh, Solicitor; and K. Anderson, Private Sector and Landlord Registration (for item 11 only) Officer.

Also Attending: Inspector D. McMurdo 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 20th February 2014 (issued) ([link attached](#)) were submitted and approved.

3. Orders Under the Road Traffic Regulation Act 1984.

There were submitted reports (issued) of March 2014 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to make the following Orders under the Road Traffic Regulation Act 1984:-

- (1) South Ayrshire Council (Ayr Road, Grangemuir Road, Links Road, St. Nicholas Road, St. Ninians Road and Shawfarm area, Prestwick) (Waiting Restrictions) Order 2014 ([link attached](#)).
- (2) South Ayrshire Council (Various Streets, Troon) (Waiting and Loading Restrictions) Order 2014 ([link attached](#)); and

Clarification was sought and provided regarding the reasons for the parking restrictions at certain areas; buses stopping outside schools to pick up school children; waiting restrictions during deliveries to shops; and what consultation had been carried out in relation to these Orders.

Decided: to approve the making of the above-named Orders.

4. Report on Additional Environmental Information on the Proposed Dersalloch Windfarm, near Straiton: Deemed Consent (S36) Application 05/01209/DEEM.

With reference to the minutes of 26th June 2013 (Page 1, paragraph 2), there was submitted a report (issued) ([link attached](#)) of 15th February 2014 by the Executive Director – Economy, Neighbourhood and Environment advising that the Scottish Government Energy Consent Unit had initiated consultation on additional Environmental Information provided in connection with the preparation of a report by Dr. Lumsden assessing the impact of infrared lights at the proposed Dersalloch Windfarm on the Galloway Dark Sky Park and the Scottish Dark Sky Observatory.

Decided: that notwithstanding the recommendations of the report to Regulatory Panel of 4th October 2012 and 26th June 2013 respectively, that this Council re-confirm its objection to the S36 Deemed Consent application 05/01209/DEEM, as detailed in paragraph 2.2 of the report.

5. Continued Planning Application.

With reference to the minutes of 28th August 2008 (Page 525, paragraph 3(4)), there was submitted a report (issued) of March 2014 by the Executive Director – Economy, Neighbourhood and Environment on an application for determination.

The Panel decided as follows:-

08/00376/COU – AYR – Doonholm Road, Doonholm Estate, – Erection of a residential development ([link attached](#)).

Decided: to refuse the application on the grounds that the proposals are contrary to policy H13 of the South Ayrshire Local Plan in that there is no provision for Affordable Housing.

6. 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) 14/00037/APPM – AYR – proposed development, Doonholm Road – Erection of residential development [\(link attached\)](#).

Decided: to agree that the Executive Director – Economy, Neighbourhood and Environment be given delegated powers to approve the application subject to the signing of a Section 75 Legal Agreement regarding affordable housing, the submission of a landscape and play bond and 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 details of a phasing plan and programming for the provision of the two main access roads, the housing development, structural landscaping, strategic footpaths, paths, and amenity open spaces/ associated works and provision of the SUDS basin/pond shall be submitted to and approved by the Planning Authority prior to commencement of development on site;
- (c) that prior to the commencement of development, details of all external finishes for all house types, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (d) that notwithstanding the plans hereby approved, details of the boundary treatment for key frontages and side / rear gardens facing the public realm (i.e. plots A6 – A13, A16, A28,1, 5, 6, 7, 8, 9, 10, 11, 16, 15, 17, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 43, 44, 45, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 70, 71, 72, 73, 82, 83, 84) shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (e) that notwithstanding the plans hereby approved, the elevations of the following plots are not hereby approved. Details of elevations to provide dual and active frontages shall be submitted to and approved by the Planning Authority prior to the commencement of development for the houses on the following plots: 9, 11, 37, 43, 62, 69, 70, 80, A16, A24, A25, A28;
- (f) that notwithstanding the plans hereby approved, further details of the proposed elevational treatment for the apartment block (plots 58-58) shall be submitted to and approved by the Planning Authority prior to commencement of development on site;

- (g) that prior to occupation of the first dwellinghouse, precise details and specifications of the periphery path which surrounds the application site shall be submitted to and approved by the Planning Authority;
- (h) that all landscaping works and open space provision shall be carried out in accordance with the approved phasing plan (including the SUDS area, village green, kick pitch, toddler and children's play areas) and shall be completed in accordance with the approved landscape drawings. The open space/landscaped area shall be retained as open space and to this approved standard to the satisfaction of the Planning Authority;
- (i) that notwithstanding the plans hereby approved, the existing hedgerow and associated planting which requires to be removed along Doonholm Road shall be replaced behind the new footway with a new hedgerow/ planting of an indigenous species. Details shall be submitted to and approved by the Planning Authority of the proposed planting and the timescale for implementing this replanting shall be agreed with the Planning Authority in accordance with the phasing plan approved under Condition 2 above;
- (j) that the management and aftercare of the landscaping and planting, as noted in the submitted 'Factoring/ Management proposals' and Drawing No. (00)003 shall be carried out in accordance with these approved details and to the satisfaction of the Planning Authority;
- (k) that notwithstanding the plans hereby approved, further details and specifications of the play area layouts and proposed equipment shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (l) that notwithstanding the plans hereby approved, further details and specifications of the proposed kick pitch, as per submitted sketch SK002, shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (m) that notwithstanding the plans hereby approved, further detailed plans of the location of all fencing, walls and railings shall be submitted to and approved by the Planning Authority prior to commencement of works on site;
- (n) 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;

- (o) that the proposed access junctions shall be kerbed and surfaced for a minimum distance of 10 metres from the public road channel over a minimum width of 5.5 metres. Kerb radii at the access shall be a minimum of 6 metres. The access shall be completed to this specification and to the satisfaction of the Planning Authority before completion of development;
- (p) that the access road shall be improved to adoptable standards in accordance with the Council's Roads Development Guide before development completion. The precise details and specifications of the required road improvements shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (q) the applicant shall make provision of two formalised pedestrian crossing points consisting of localised carriageway narrowing to 6m, dropped kerbing and tactile paving at the site frontage onto Doonholm Road, prior to completion of the development. The final location and design of the formalised pedestrian crossing points shall be submitted to and agreed in writing by the Planning Authority prior to commencement of development on site;
- (r) the applicant shall make provision of a ducted carriageway crossing on Doonholm Road consisting of twin 100mm diameter smooth internal bore rigid orange ducting (with associated draw ropes) linking footway chambers 450mm² on either side of the carriageway, to a cover depth of 750mm, prior to development completion. The final location and design of the formalised pedestrian crossing points shall be submitted to and agreed in writing by the Planning Authority prior to completion of development on site;
- (s) that a 2 metre wide public footway shall be provided along the site frontage on Doonholm Road between the western boundary and extending to a point adjoining the section of the former alignment of Doonholm Road located approximately 22m beyond the eastern site boundary, on land contained within public road limits and in accordance with the specifications in the Council's roads development guide and completion of the site;
- (t) that off-road parking spaces shall be provided in accordance with the Council's Roads Development Guide within the existing site boundaries prior to completion of the dwellinghouse(s);
- (u) that the applicant shall provide two bus stops and associated bus boarder kerbs on Doonholm Road prior to the completion of the first house, with the bus stop on the site frontage including the provision of a bus shelter. The designs, locations and specifications of the bus stops shall be approved by the Planning Authority prior to their installation;
- (v) 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;

- (w) 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 development commences on site;
- (x) that prior to commencement of development on site the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Planning Authority;
- (y) that junction access visibility sightline splays of 4.5 metres by 90 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;
- (z) that before occupation of the first dwellinghouse a Travel Pack, for distribution to new residents, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall encourage sustainable modes of travel other than private car by highlighting appropriate facilities in the vicinity of the development;
- (aa) that notwithstanding the plans hereby approved, each house with a garden shall accommodate 3 wheeled bins and a 23 litre food waste caddy, and every house/flat without a garden shall accommodate 2 wheeled bins and a 23 litre food caddy. Details shall be submitted and approved by the Planning Authority prior to commencement of development on site; and
- (bb) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site. The discharge of surface water shall comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to comply with Local Plan Policies and in the interests of visual amenity;
- (c) in the interests of visual amenity;
- (d) in order to create robust and visually attractive boundaries to the public realm and in order to retain proper control over the development proposal;
- (e) the elevational treatment of these house types requires to have meaningful dual frontages;
- (f) in the interests of visual amenity;
- (g) in the interests of residential amenity;
- (h) in the interests of visual amenity; to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (i) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;

- (j) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (k) to ensure compliance with South Ayrshire Council Supplementary Planning Guidance: Open Space and Designing New Residential Developments and in the interests of residential amenity;
- (l) to ensure compliance with South Ayrshire Council Supplementary Planning Guidance: Open Space and Designing New Residential Developments and in the interests of residential amenity;
- (m) in the interests of visual amenity;
- (n) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (o) in the interest of road safety and to ensure an acceptable standard of construction;
- (p) in the interest of road safety and to ensure an acceptable standard of construction;
- (q) for the purposes of road safety and functional operation of the local road network;
- (r) for the purposes of road safety and functional operation of the local road network;
- (s) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (t) in the interest of road safety and to ensure adequate off-street parking provision;
- (u) to provide accessible public transport;
- (v) in the interest of road safety;
- (w) in the interest of road safety and avoid the discharge of water on to the public road;
- (x) in the interest of road safety;
- (y) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (z) to encourage sustainable means of travel;
- (aa) in the interests of residential and visual amenity; and
- (bb) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

Advisory Notes:

Construction Consent from the Roads Authority will be required for the formation of any new road and that traffic calming measures will be required. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.

- (i) the Council as Roads Authority advises that access to all driveways within the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide 5.2.4 before completion of the development;
- (ii) the Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant / developer;
- (iii) the Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant – including any relevant road signs and markings;

- (iv) the Council as Roads Authority advises that a stage 3 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority no later than 1 month after completion of the development. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report;
- (v) that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site;
- (vi) that the Developer shall submit a fully completed Development Impact Assessment form to Scottish Water. Development Impact Assessment forms can be found at www.scottishwater.co.uk;
- (vii) the applicant/developer is advised to contact Scottish Water directly regarding connection to Scottish Water infrastructure. The Scottish Water reference for this proposal is 648870 and the contact is Anne MacNeil, Customer Connections Administrator (Anne.MacNeil@scottishwater.co.uk) at 419 Balmore Road, Glasgow, G22 6NU, telephone 0141 355 5511;
- (viii) that prior to the commencement of any works on site a Construction Method Statement is submitted to SEPA, Ayr Office, 31 Miller Road, Ayr, KA7 2AX for approval. To secure that construction methods are compliant with SEPA guidance and do not enter the watercourses adjacent to the site; and
- (ix) before any work commences on site, the applicant shall submit written confirmation from Scottish Water that the sewerage system can accommodate the development flow with no detriment to the current situation.

List of Determined Plans:

Drawing - Reference No (or Description): 2143-26;
 Other - Reference No (or Description): TRANSPORT ASSESSMENT;
 Drawing - Reference No (or Description): (00)002;
 Drawing - Reference No (or Description): (20)001;
 Drawing - Reference No (or Description): (21)001;
 Drawing - Reference No (or Description): 2143-20 REV B;
 Drawing - Reference No (or Description): 53594-001-001;
 Drawing - Reference No (or Description): 6310/02;
 Drawing - Reference No (or Description): 6310/03
 Drawing - Reference No (or Description): 6310/04
 Drawing - Reference No (or Description): 6310/05;
 Drawing - Reference No (or Description): 6310/06;
 Drawing - Reference No (or Description): 6310/07;
 Drawing - Reference No (or Description): DRA/S-20;
 Drawing - Reference No (or Description): DRA/S-24;
 Drawing - Reference No (or Description): DRA/S-28;

Drawing - Reference No (or Description): G3, G4, G6, G7, G15 REV. A;
 Other - Reference No (or Description): CONSTRUCTION METHODOLOGY STATEMENT;
 Other - Reference No (or Description): ECOLOGICAL ASSESSMENT;
 Other - Reference No (or Description): EXTERNAL MATERIALS;
 Other - Reference No (or Description): FACTORING / MANAGEMENT PROPOSALS;
 Other - Reference No (or Description): GROUND INVESTIGATION REPORT;
 Other - Reference No (or Description): SUPPORTING PLANNING STATEMENT;
 Drawing - Reference No (or Description): 051.83/01 REV. A;
 Drawing - Reference No (or Description): 051.83/02 REV. A;
 Drawing - Reference No (or Description): 051.83/03 REV. A;
 Drawing - Reference No (or Description): 051.83/04;
 Drawing - Reference No (or Description): 051.83/05;
 Drawing - Reference No (or Description): 051.83/06;
 Drawing - Reference No (or Description): 051.83/07;
 Drawing - Reference No (or Description): 051.83/08;
 Drawing - Reference No (or Description): 2143-30;
 Drawing - Reference No (or Description): 2143-31;
 Drawing - Reference No (or Description): DRA/ELEV-01 REV. A;
 Drawing - Reference No (or Description): DRA/ELEV-02 REV. A;
 Drawing - Reference No (or Description): DRA/ELEV-03 REV. A;
 Drawing - Reference No (or Description): DRA/ELEV-04;
 Drawing - Reference No (or Description): DER/P01;
 Drawing - Reference No (or Description): DLAS/2013/PLANNING/01;
 Drawing - Reference No (or Description): DLAS/2013/PLANNING/02;
 Drawing - Reference No (or Description): DLAS/2013/PLANNING/03;
 Drawing - Reference No (or Description): ESK/2013/PLANNING/01;
 Drawing - Reference No (or Description): ESK/2013/PLANNING/02;
 Drawing - Reference No (or Description): ESK/2013/PLANNING/03;
 Drawing - Reference No (or Description): ETT/PD/1000;
 Drawing - Reference No (or Description): ETT/PD/1001;
 Drawing - Reference No (or Description): GALA/2013/PLANNING/01;
 Drawing - Reference No (or Description): GALA/2013/PLANNING/02;
 Drawing - Reference No (or Description): GALA/2013/PLANNING/03;
 Drawing - Reference No (or Description): HUM/2013/PLANNING/01;
 Drawing - Reference No (or Description): HUM/2013/PLANNING/02;
 Drawing - Reference No (or Description): HUM/2013/PLANNING/03;
 Drawing - Reference No (or Description): JUR/P01;
 Drawing - Reference No (or Description): KAWAY/2013/PLANNING/01 REV. A;
 Drawing - Reference No (or Description): KAWAY/2013/PLANNING/02 REV. A;
 Drawing - Reference No (or Description): KAWAY/2013/PLANNING/03 REV. A;
 Drawing - Reference No (or Description): LEA/2013/PLANNING/01;
 Drawing - Reference No (or Description): LEA/2013/PLANNING/02;
 Drawing - Reference No (or Description): LEA/2013/PLANNING/03;
 Drawing - Reference No (or Description): LEI/P01;
 Drawing - Reference No (or Description): LEI/P02;
 Drawing - Reference No (or Description): YEA/2013/PLANNING/01;
 Drawing - Reference No (or Description): YEA/2013/PLANNING/02;
 Drawing - Reference No (or Description): YEA/2013/PLANNING/03;
 Other - Reference No (or Description): TRANSPORT STATEMENT;
 Drawing - Reference No (or Description): 00(001) REV. G;

Drawing - Reference No (or Description): 100 REV. A;
Drawing - Reference No (or Description): 2143-36;
Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT;
Other - Reference No (or Description): LANDSCAPE STATEMENT;
Drawing - Reference No (or Description): SK001;
Drawing - Reference No (or Description): SK002; and
Drawing - Reference No (or Description): (00)003.

Reason for Decision:

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

- (2) **13/01430/APP – AYR – Land at Doonholm Road and Murdoch’s Lone** – Erection of residential development ([link attached](#)).

Councillor Convery, seconded by Councillor Galbraith, moved that this application be approved subject to appropriate conditions.

By way of Amendment, Councillor Campbell, seconded by Councillor McFarlane, moved that this application be refused on the grounds as detailed in the report.

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

Decided: to agree that the Executive Director – Economy, Neighbourhood and Environment be given delegated powers to approve the application subject to the appropriate conditions.

Adjournment.

The time being 11.50 a.m., the Panel agreed to adjourn for five minutes.

Resumption of Meeting.

The meeting resumed at 11.55 a.m.

- (3) **13/00621/APP – BALLANTRAE – Auchenflower Farm** – Erection of two wind turbines ([link attached](#)).

Decided: that determination of this application be continued to allow a site visit to be conducted.

- (4) **13/01018/APP – STRAITON – Proposed wind turbine, Glenauchie, U42 from junction with C1 at Tairlaw Bridge – East to Knockdon Steading** – Erection of wind turbine, ancillary infrastructure and formation of associated access track ([link attached](#)).

Councillor Douglas, seconded by Councillor Goldie, moved that determination of this application be continued to allow a site visit be conducted.

By way of Amendment, Councillor Galbraith, seconded by Councillor Hunter, moved that the application be determined at this meeting.

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

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

- (a) Landscape and visual:

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, South Ayrshire Landscape Wind Capacity Study 2013, policies STRAT5, BE1, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & 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, its impact on landmark hills, the wider visibility of the turbine and the absence of appropriate 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) Cumulative:

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. There are no over-riding reasons to depart from development plan policy, local detailed landscape guidance or government policy and guidance;

(c) Historic environment:

that the proposed development would be contrary to policies STRAT1, ECON6, ENV1 and ENV6 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE6 and SERV3 of the adopted South Ayrshire Local Plan, Scottish Planning Policy, PAN2/2011 'Planning and Archaeology', Scottish Historic Environment Policy and 'Managing Change in the Historic Environment (Setting)' as the proposed development would have an adverse effect on cultural heritage, the historic landscape, and archaeological heritage resources. Specifically, due to scale and siting, the proposed turbine would be visible as a prominent and visually dominant new modern element in the landscape from the cairns at Knockdon (WoSAS Pins 7182 and 7196) and the scheduled enclosure at Knockdon (SAM Index 7491) that lie approximately 1.9km to the east of the site. Consequently the proposed turbine would have indirect impacts on the setting of these highly significant cultural heritage assets. Furthermore the potential adverse effects cannot be overcome or minimised to an acceptable degree. There are no over-riding reasons to depart from development plan policy or government policy and guidance; and

(d) Tourism and recreation:

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 & 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 'regionally significant tourist resource' in the AJSP Addendum. Furthermore the proposal would adversely affect the setting of the recognised Local Path Network at 'Knockdon to Dalcairney (Bogton Loch)' and the National Byway which follows the path of Tairlaw Burn with potential knock on effects on these routes as a valuable tourism and recreational resource. There are no over-riding reasons to depart from development plan policy or government policy and guidance.

List of Determined Plans:

Drawing - Reference No (or Description): FIGURE 1.1 Location Plan;

Drawing - Reference No (or Description): PROPOSED CONTROL UNIT Elevations and Detail;

Drawing - Reference No (or Description): 1000900 REV. 02 Turbine plans;

Drawing - Reference No (or Description): LOCATION PLAN 1:3000;

Drawing - Reference No (or Description): SITE PLAN A 1:1000;

Drawing - Reference No (or Description): SITE PLAN B 1:1000;

Drawing - Reference No (or Description): SITE PLAN C 1:1000;

Other - Reference No (or Description): LANDSCAPE AND VISUAL;

Other - Reference No (or Description): PLANNING DESIGN AND ACCESS;

Other - Reference No (or Description): ENVIRONMENTAL STATEMENT; and

Other - Reference No (or Description): TELECOM STATEMENT.

- (5) **14/00049/FURM –AYR – Land at Greenan, Dunure Road** – Further application so as not to comply with condition 2(iii) of outline planning permission (Ref: 09/00683/OUT) ([link attached](#)).

Decided: to approve the application subject to the condition that approval is given in principle for the layout, land uses and urban form as set out within the Greenan masterplan, Ayr and dated June 2009. The scale of development approved in this planning permission as follows:-

- (a) Residential.
the total number of residential units to be developed throughout the entire site shall not exceed 500 housing units (inclusive of affordable housing units);
- (b) Convenience store.
the convenience store to serve the whole development shall be located in the Phase 1 of the development and shall be of a scale and footprint to be agreed with the Planning Authority prior to implementation of the development hereby approved; and
- (c) Care Home.
that a care home shall be located and provided in phase 2,3,4 or 5 of the development as identified in figure 7.1 the Greenan Masterplan dated June 2009, with a formal application including details of its size, orientation, landscape treatment, design treatment, parking and access arrangements”.

Reason: to clarify the terms of the permission.

List of Determined Plans:

Location Plan: 264.30/PA/SP02 Rev. 0.

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 the neighbouring land and buildings.

- (6) **14/00052/MSCM – AYR – Land at Greenan, Dunure Road** – Approval of matters specified in conditions of outline planning permission (Ref: 09/00683/OUT) ([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;

- (b) that before any work commences on site a suitably scaled block layout plan showing:-
 - (i) existing ground levels;
 - (ii) proposed ground levels, and
 - (iii) finished floor levels of each proposed dwellinghouse shall be submitted for the prior written approval of the Council as Planning Authority;
- (c) that notwithstanding the plans hereby approved, the front boundary hedge planting as defined on boundary treatment plan drawing L(00)011 shall also be incorporated as the boundaries for dwellinghouses fronting onto areas of open space / parkland;
- (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) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site;
- (f) that the foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water;
- (g) that no part of any phase of the development shall be occupied until the Sustainable Urban Drainage System (SUDS) to which that part of the development relates has been completed in accordance with the submitted and approved plans;
- (h) 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; and
- (i) that notwithstanding the plans hereby approved, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential and visual amenity; and to ensure that there is no significant detrimental impact on adjacent properties;
- (c) in the interest of visual amenity and contributing to a coherent landscape structure;
- (d) in the interests of visual amenity;
- (e) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (f) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (g) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (h) in the interest of road safety; and
- (i) in the interests of visual amenity.

List of Determined Plans:

Location Plan: 0256/210;
 Amended Proposed Site Plan Amended: 0256/201 Rev. A;
 Site Development Plan: 0256/100 Rev. C;
 Proposed Street Elevations: 0256/202;
 Proposed Plans House Type A 400 Rev. A;
 Proposed Plans House Type B 400 Rev. A;
 Proposed Plans House Type D 400 Rev. A; and
 Proposed Plans House Type F Amended 400 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 the neighbouring land and buildings.

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.

7. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

8. 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.

9. **Update from Licensing Monitoring Officer.**

The Licensing Monitoring Officer advised that, following a decision at the last Panel that she should provide quarterly statistics on failure rates of Taxis and Private Hire Vehicles, she would report back to the Panel scheduled to take place on Thursday, 1st May 2014 with these statistics.

Decided: to note that an update would be provided by the Licensing Monitoring Officer at the Panel meeting of 1st May 2014.

10. **Civic Government (Scotland) Act 1982 - Licences.**

Councillor Goldie left the meeting during consideration of the following application.

(a) **Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland and from the representative for the applicant, Hugh James Cuthbertson Cowan, in response.

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

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

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

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 from the applicant, Robert William Armstrong in response.

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

Councillor Goldie rejoined the meeting at this point.

- (iii) The Panel heard from George Murdoch Bain in relation to his application.

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

- (iv) The Panel heard from Angela Abbott in relation to her 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 the Licensing Monitoring Officer, heard from the applicant, David Ganson in response and adjourned for consideration of this application.

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

- (vi) The Panel considered the proposed suspension of the licence held by Alan Archibald.

Decided: having heard the applicant advise that he would book a place on the next available training course, not to suspend the licence held by Alan Archibald.

(b) Private Hire Car Driver.

The Panel heard an observation from Police Scotland and from the applicant, Allan Hollett, in response.

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

11. Landlord Registration.

Reference was made to the Minutes of 7th November 2013 (Page 15, paragraph 10) when it had been decided 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; and the Minutes of 20th February 2014 (Page 10, paragraph 10) when it had been decided, at the request of the applicant's representative, to continue consideration of Mr. Ippolito's application for Landlord Registration to this meeting and there was now submitted a report (issued to members only) of 4th February 2014 by the Executive Director – Care, Learning and Wellbeing requesting that the Panel consider Mr. Ippolito's application for Landlord Registration dated 13th December 2013, in which Directional Letting were nominated to act as Mr. Ippolito's agent.

The Panel then heard from the Private Sector and Landlord Registration Officer, from the licence holder's representative who provided a document pack for each property and from the representative of Directional Letting and, following discussion, adjourned for consideration of this matter.

Decided: upon reconvening,

- (a) to request that the Private Landlord Registration Service and Environmental Health Service inspect each of the properties named in the application by the applicant;
- (b) to request that the applicant supply an up-to-date document pack for each property outlining the condition of the property to Private Landlord Registration and supply copies for the members of the Panel;
- (c) that the applicant be requested to raise the repairs level to £500 to enable Directional Letting to carry out repairs up to a value of £500 without the need to consult with the applicant; and
- (d) to agree that this application would be reconsidered at the meeting of this Panel scheduled to be held on Thursday, 29th May 2014.

The meeting ended at 3.25 p.m.