

## REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 29th May 2014 at 10.00 a.m.

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

Apology: Councillor William J. Grant.

### For Items 1 to 5:

Attending: C. Cox, Planning Manager; W. Carlaw, Democratic Governance Manager; and J. McClure, Committee Services Officer.

### For Items 6 to 12:

Attending: M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; J. Hodge, Policy Officer (Community Care and Housing); and J. McClure, Committee Services 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 meeting.

The Minutes of 23rd April 2014 (Site Visit) ([link attached](#)) and 1st and 2nd May 2014 ([link attached](#)) (issued) were submitted and approved.

Following discussion of the Minutes, it was agreed that the Chair would discuss with the Monitoring Officer the matter of more detailed minutes being provided for this Panel.

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

There was submitted a report (issued) ([link attached](#)) of 12th May 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 (Union Arcade, Ayr) (Waiting Restrictions) Order 2014".

Clarification was sought and provided with regard to the justification for the waiting restriction being extended.

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

#### 4. **Applications for Planning Permission.**

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

The Panel decided as follows:-

- (1) **14/00483/APP – COLMONELL – Land at Main Street** – Erection of residential development and class 1 unit ([link attached](#)).

Councillor Campbell, 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 two for the Motion. The Amendment was accordingly declared carried and the Panel proceeded to consider and determine the application.

Following discussion, the Panel then took a short adjournment to allow members to consider the terms of an amendment.

Upon reconvening, Councillor Convery, seconded by Councillor Campbell, moved approval of this application, subject to the conditions as detailed in the report.

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

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 carried.

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

- (a) that the proposals are contrary to policy STRAT 5 a) of the South Ayrshire Local Plan by virtue of its scale and massing within the site and constitutes over density for the site; and
- (b) that the proposals are contrary to Policy H6 b) of the South Ayrshire Local Plan by virtue of its scale and massing within the site and constitutes over density for the site and detracts from the character of the surrounding buildings and locality.

#### **List of Determined Plans:**

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

- (2) **14/00175/APPM – TROON – Site Development, Wilson Avenue** – Erection of a 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 submission of a landscape and play bond 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 details of a phasing plan and programming for the provision of the main access road, internal roads, housing development, landscaping and amenity open spaces, play provision, and remote footpaths shall be submitted to and approved by the Planning Authority prior to the 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, the proposed house at plot 34 shall have an active frontage onto the proposed play area. Details of this frontage onto the play area shall be submitted to and approved by the Planning Authority prior to the commencement of development of the housing development;
- (e) that all the remote footpaths linking from the development to the surrounding woodland area within the application site shall be formed at 1.5 metre width of crushed whinstone and the provision/timing of these upgraded and new footpaths shall be included as part of the phasing plan to be agreed under condition (b) above;
- (f) that details shall be submitted to and approved by the Planning Authority of a gateway feature at the entrance to the site prior to the commencement of the development on site;
- (g) that all landscaping, tree works and replanting proposals for the woodland area, provision of the play area and the provision of new footpaths and upgrading of existing footpaths shall be carried out in accordance with the approved phasing plan agreed under condition (b) above, and shall be completed in accordance with the approved drawings;
- (h) that factoring arrangements including administrative, financial and practical responsibility for the management and maintenance of all the public amenity and woodland area shall be submitted to and approved by the Planning Authority prior to commencement of development;
- (i) that the surfacing of the new and existing footpaths shall be formed by a no-dig method of construction to the satisfaction of the Planning Authority;

- (j) 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;
- (k) that the applicant shall make provision of upgrades to two bus stops closest to the development on Dundonald Road to include provision for Real Time Passenger Information as follows:
- the upgrade of the existing bus stop westbound on the A759 Dundonald Road with the NapTan reference 6190328 (west of the junction with Central Avenue); and
  - the upgrade of the existing bus stop eastbound on the A759 Dundonald Road with the NapTan 6190340 (east of the junction with Central Avenue).

The required bus stop upgrading work shall be implemented in accordance with the approved plans prior to the occupation of any part of the development unless alternative measures are approved in writing by the Council as Planning Authority;

- (l) that a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for shall be submitted to and approved by the Planning Authority prior to commencement of development;
- (m) that before occupation of the first house a Travel Pack shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the 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;
- (n) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 5.5 metres wide over its initial 10 metres, as measured from the rear of the public footway before the occupation of the first house;
- (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;
- (p) that junction access visibility sightline splays of 4.5 metres by 35 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;
- (q) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. 141 allocated and 5 unallocated spaces) within the existing site boundaries prior to completion of the development;

- (r) 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 completion and or serve the development. The turning area shall be constructed as approved prior to the development being occupied;
- (s) that bin collection points shall be located a maximum of 15 metres from the public carriageway before occupation 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;
- (t) that during the construction stage vehicle washing facilities shall be provided within the site boundaries at all times to the satisfaction of the Planning Authority;
- (u) that the woodland area around the development site shall be retained as public amenity space in perpetuity; and
- (v) that prior to the commencement of development a public access strategy for the construction phase of development shall be submitted to and approved by the Planning Authority to provide public access from Wilson Avenue and Ottoline Drive. On completion of the construction works public access from the existing access points on Wilson Avenue and Ottoline Drive through the amenity woodland area and connecting to the remote footpath network in the application site shall be retained in perpetuity.

**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) to ensure there is passive surveillance for the play area from this property.
- (e) the whole footpath network within the application site requires to be adequately surfaced;
- (f) in the interests of visual amenity;
- (g) to ensure that the provision of all the landscaping is made in a staged manner as the development progresses towards completion;
- (h) to ensure that adequate measures are put in place to protect and maintain the landscaping in the longer term;
- (i) in order that the root system of existing trees are not damaged during the construction phase;
- (j) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (k) in the interests of road safety and to ensure adequate provision for public transport, to ensure that the results of detailed site investigation can be taken into consideration in the interests of road safety and the proper planning of the area;
- (l) in the interests of road safety;
- (m) to encourage sustainable means of travel;

- (n) in the interests of road safety and to ensure an acceptable standard of construction;
- (o) in the interests of road safety and to avoid the discharge of water on to the public road;
- (p) in the interests of road safety and to ensure acceptable visibility at road junctions;
- (q) in the interests of road safety and to ensure adequate off-street parking provision;
- (r) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (s) in the interests of road safety;
- (t) in the interests of residential amenity and to ensure that excess material is not carried out of the site onto the local road network;
- (u) to safeguard the public amenity woodland area and in the interests of residential amenity; and
- (v) to safeguard public access to the woodland area.

**Advisory Notes:**

- 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;
- 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;
- the Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984;
- please note that Construction Consent from the Roads Authority will be required for the formation of any new road. 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;
- the Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. 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. No later than 1 month after completion of the development, unless an alternative time period is approved, 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. The requirement to complete a Road Safety Audit includes a requirement to address the recommendations contained within the audit report; and
- the Council as Roads Authority advises that access to 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.

**List of Determined Plans:**

Drawing - Reference No (or Description): 0150/LP Loc Plan;  
 Drawing - Reference No (or Description): 0150/100 REV B Site layout;  
 Drawing - Reference No (or Description): 01/37-SK01 Regrade props;  
 Drawing - Reference No (or Description): 0150/SL-02 REV A Landscape props 1 of 2;  
 Drawing - Reference No (or Description): 0150/SL-03 REV A Landscape props 2 of 2;  
 Drawing - Reference No (or Description): PPS/Q/203100/01 REV A Play area;  
 Drawing - Reference No (or Description): AS- 00,03,10,11,35,50,40 Islay;  
 Drawing - Reference No (or Description): OPP- 00,03,10,11,35,50,40 Islay handed;  
 Drawing - Reference No (or Description): AS-00A,03,10,11,35A,50A,51A,40 Kerrara;  
 Drawing - Reference No (or Description): OPP-00A,03,10,11,35A,50A,51A,40 Kerrara handed;  
 Drawing - Reference No (or Description): AS-00A,03,10,11,35,50 A,51 B Lomond  
 Drawing - Reference No (or Description): OPP-00A,03,10,11,35,50 A,51 B Lomond handed;  
 Drawing - Reference No (or Description): AS00A,03,10,11,35,50A,51B,52C,40 Orkney  
 Drawing - Reference No (or Description): OP00A,03,10,11,35,50A,51B,52C,40 Orkney handed;  
 Drawing - Reference No (or Description): AS-00A,03,10,11,35,50A,51E,40 Shuna;  
 Drawing - Reference No (or Description): OPP-00A,03,10,11,35,50A,51E,40 Shuna handed;  
 Other - Reference No (or Description): DESIGN+ACCESS STAT;  
 Other - Reference No (or Description): ECOLOGY;  
 Other - Reference No (or Description): PAC REPORT;  
 Other - Reference No (or Description): TRANSPORT STAT; and  
 Other - Reference No (or Description): TREE REPORT.

**Reason for Decision:**

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

**At this point, the time being 11.35 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 Declarations of Interest.**

Councillor Cavana declared an interest in application number 10(a)(vi) of the minutes as Mr. Kennedy was known to him and advised that he would withdraw from the meeting during consideration of this application.

**7. Update from Licensing Monitoring Officer.**

The Licensing Monitoring Officer advised that she was continuing to monitor all Civic Government Licences and carry out routine inspections with Officers from other Council Directorates and with Police Scotland.

**Decision:** to thank the Licensing Monitoring Officer for her update.

**8. 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.

**9. House in Multiple Occupation Licence Renewal Request.**

There was submitted a joint report (issued to members only) of 9th May 2014 by the Executive Director – Care, Learning and Wellbeing and the Executive Director – Resources, Governance and Organisation seeking approval to grant a renewal House in Multiple Occupation (HMO) licence with conditions for the property at 10 Sandgate, Ayr.

The Panel heard from the Policy Officer in relation to this application outlining that the applicant had advised that, as the accommodation was currently leased to students who would be concluding their course tuition by end June 2014, she would have the works carried out during July 2014 to be completed by 30th July 2014.

**Decided:** to grant a three year HMO licence (from 29th September 2013) subject to the condition that an additional hob and sink are fitted in the kitchen of the property by 30th July 2014 in line with the Council's HMO licensing standards.



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

(a) **Taxi Drivers.**

- (i) The Panel heard from the applicant, Clive Dowdall Dowson, in relation to his application.

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

By way of Amendment, Councillor Hunter, seconded by Councillor Convery, 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 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 objection from Police Scotland and from the representative for the applicant, Alison Jane Allen and adjourned for consideration of this application.

Upon reconvening, Councillor Hunter, seconded by Councillor Campbell, 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.

By way of Amendment, Councillor Goldie, seconded by Councillor Douglas, moved that the application be granted for three years.

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 carried.

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

- (iii) The Panel heard an objection from Police Scotland and from the applicant, Robert Andrew Thomson in response.

Councillor Hunter, seconded by Councillor Campbell, 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.

By way of Amendment, Councillor Goldie, seconded by Councillor Cavana, moved that the application be granted for one year.

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 carried.

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

(iv) The Panel considered the application from Colin Gordon.

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

(v) The Panel heard an observation from Police Scotland and from the applicant, Terence White in response.

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

**Councillor Cavana, having previously declared an interest in this application, left the meeting during consideration of the matter.**

(vi) The Panel heard from the applicant, Richard Kennedy, in relation to his application.

Councillor Hunter moved that the application be approved for one year. As he failed to find a seconder his Motion then fell.

**Decided:** by a majority, to approve this application for three years, subject to standard conditions as previously agreed. Councillor Hunter requested that his dissent be recorded.

**Councillor Cavana rejoined the meeting at this point.**

(b) **Taxi Vehicle.**

The Panel heard from the Solicitor (Licensing) that Thomas Watson had surrendered his licence since being cited to the Panel for suspension.

**Decided:** that no further action be taken.

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

**Taxi Driver.**

The Panel heard from Police Scotland in relation to the proposed suspension of the licence currently held by Peter McCutcheon Brown, heard from the applicant's representative in response and adjourned for consideration of this matter.

**Decided:** upon reconvening, not to suspend the licence currently held by Peter McCutcheon Brown.

12. **Landlord Registration.**

The Solicitor (Licensing) advised that, due to difficulties with the ongoing inspection of properties, the application scheduled to be heard at this meeting would now be submitted to a future meeting of this Panel.

The meeting ended at 3.10 p.m.