

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 14th January 2010 at 10.00 a.m.

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

Attending: For Items 1 to 4:

V. Andrews, Legal Manager; C. Cox, Planning Manager; M. McClelland, Development Management and Business Change Team Leader; C. Parish, Team Leader for Priority Projects; A. Browne, Senior Planning Development Case Officer; W. Carlaw, Principal Solicitor; E. Kelty, Engineering/Technical Officer (Operations); and A. Gibson, Committee Administrative Officer.

For Items 5 to 7.

Attending: C. Neillie, Solicitor; M. Douglas, Licensing Policy Officer; D. Scobie, Licensing Monitoring Officer; A. Campbell, Licensing Standards Officer; and J. McClure, Committee Administrative Officer.

Also Attending: Sergeant A. Kelly, Strathclyde Police.

**1. 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.

**2. Orders Under the Road Traffic Regulation Act 1984.**

There were submitted reports (issued) of January 2010 by the Depute Chief Executive and Executive Director - Development and Environment seeking approval to make the following Orders under the Road Traffic Regulation Act 1984:-

- (1) the "South Ayrshire Council (A77 Trunk Road, Girvan) (Disabled Parking Places) Order 2010"; and
- (2) the "South Ayrshire Council (Blackburn Road, Ayr) (Waiting Restrictions) Order 2010".

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

### 3. Continued Planning Applications.

There were submitted reports (issued) of December 2009 by the Depute Chief Executive and Executive Director - Development and Environment in respect of planning applications that had been previously continued.

The Panel decided as follows:-

- (1) **08/00315/FUL - AYR – Land at Alexander’s Sawmill, Heathfield** – Planning application so as not to comply with condition 4 of planning permission 05/00108/OUT;

**08/00316/FUL - AYR - Land at Alexander’s Sawmill, Heathfield** – Planning application so as not to comply with condition 5 of planning permission 05/00108/OUT; and

**08/00318/FUL - AYR - Land at Alexander’s Sawmill, Heathfield** – Planning application so as not to comply with condition 4 of planning permission 05/00108/OUT.

**Decided:** to note that the applications had been withdrawn by the applicant.

- (2) **08/00317/OUT - AYR - Land at Alexander’s Sawmill, Heathfield** – Outline planning permission for leisure and retail development.

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

### 4. Applications for Planning Permission.

There were submitted reports (issued) of December 2009 by the Depute Chief Executive and Executive Director - Development and Environment and letters of objection or support, as appropriate, on current applications for determination.

The Panel decided as follows:-

- (1) **09/00846/FUL – TARBOLTON - Tarbolton Moss** – Construction of a Waste Recycling and Treatment Facility.

**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 the approval for the proposed use is limited to twenty years at which date the use of the land and premises as a waste treatment facility shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within two months of the date of this planning approval;
- (d) that the carriageway shall be resurfaced along the site frontage on U87 in accordance with the specifications in the Council's Roads Development Guide before completion of the development;
- (e) 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 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;
- (f) 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;
- (g) 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;
- (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;
- (i) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (j) 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 earth-mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within one year / 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;
- (k) that prior to the commencement of development, details of any external lighting shall be submitted for the prior written approval of the Planning Authority;

- (l) that no waste materials or reclaimed/processed materials shall be stored outside the building;
- (m) that with the exception of the Anaerobic Digestion process and essential maintenance, the hours of operation of any plant or machinery shall be restricted to between 0700 and 1800 Monday to Friday with no processing taking place on Saturdays, Sundays or Bank Holidays;
- (n) that the delivery of waste and materials to the site, and the despatch of waste and materials from the site shall be restricted to between 0730 and 1800 Monday to Friday, and 0800 and 1300 Saturdays. No delivery or despatch to or from the site will take place on Sundays or Bank Holidays;
- (o) that the site shall be restricted to the receipt of 50,000 tonnes total maximum of waste and materials per annum;
- (p) that unless otherwise agreed with the Planning Authority in consultation with SEPA, only residual waste (i.e. waste remaining after all practicable and reasonable efforts have been made to extract recyclable and, where appropriate, compostable material) shall be treated in the anaerobic digestion element of the facility hereby approved;
- (q) that the plant is designed and constructed to enable the export of electricity in accordance with the approved plans prior to commencement of the operation of the plant;
- (r) that prior to the acceptance of any waste materials into the anaerobic digestion element of the facility, the materials recycling and sorting facilities (post autoclave) must be fully operational. These facilities shall be implemented in accordance with the approved plans prior to the operation of the development hereby approved and all waste going into the anaerobic digestion plant shall where appropriate, first be pre-treated and sorted in the materials sorting and recycling facilities;
- (s) that the applicant treats surface water from the site in accordance with the principles of the CIRIA SUDS Manual (C697) published in 2007;
- (t) that before any development commences on site, details of a Site Waste Management Plan should be submitted to and approved by the Planning Authority in consultation with SEPA and implemented thereafter in accordance with the approved details during the construction of the development;
- (u) that no development can commence on site until a full site specific construction method statement (CMS) is submitted and approved by the determining authority, in consultation with SEPA. The CMS should incorporate detailed pollution avoidance and mitigation measures for all the construction elements potentially capable of giving rise to pollution including issues relating to the construction of the building, impacts on hydrogeology and disposal of contaminated land. Specifically the statement should address the following and the construction of the development should be carried out in accordance with the agreed details:-

- (i) how contaminated land will be dealt with, treated and disposed of as necessary;
  - (ii) details of how disturbance to groundwater shall be minimised, including any de-watering proposals;
  - (iii) details of the storage of construction fuels, materials, raw materials and by-production;
  - (iv) temporary SUDS measures; and
  - (v) dust mitigation methods; and
- (v) that should work not commence before April 2010, a revised survey be undertaken with regard to the detection and mitigation measures for the possible presence of otter, water vole and badger be undertaken to the written satisfaction of Scottish Natural Heritage and 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 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) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (d) in the interest of road safety;
- (e) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (f) in the interests of visual amenity;
- (g) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (h) in the interest of road safety and avoid the discharge of water on to the public road;
- (i) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (j) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (k) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (l) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (m) in the interests of residential amenity;
- (n) in the interests of residential amenity;
- (o) in the interests of residential amenity;
- (p) in the interests of ensuring that only residual waste is treated in the energy from waste plant in accordance with SEPA's Thermal Treatment of Waste Guidelines 2009 and Government policy;
- (q) in the interest of ensuring that the facility has the capacity to export electricity generated by the operation of the plant;
- (r) in the interest of ensuring that the facility operates in accordance with the approved plans;

- (s) to ensure the site is drained in an acceptable sustainable manner and the drainage infrastructure is properly maintained;
- (t) to ensure that the waste on site is managed in an acceptable manner;
- (u) to protect the water environment from any damage arising from the construction and operation of this facility; and
- (v) to identify the presence of protected species and provide measures to mitigate the impact of development on those species.

**Notes:**

The Council as Roads Authority advises that a Road Opening Permit shall be required for any work within the public road limits.

The applicant is advised that, if the proposals hereby approved are altered in any way, for example as a result of obtaining any of the other statutory consents or for any other reason, they should so inform the Planning Authority and submit copies of the amended proposals in order that a view may be taken as to whether the alterations are material or not and whether a fresh application will be required.

**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) **09/00782/COU – AYR - 8 Seafield Road** – Change of use of dwellinghouse to form extension to existing shop.

**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, notwithstanding the terms of condition (c) above, off-road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. minimum size of 2.5 metres x 4.8 metres) within the existing site boundaries prior to the completion of the development;

- (e) 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;
- (f) that before the change of use is implemented an acoustic consultants report or manufacturers specifications demonstrating that the ventilation extraction system complies with noise rating criteria 25 when measured within the nearest noise sensitive dwelling with windows open sufficiently for ventilation shall be submitted for the formal prior written approval of the Council as Planning Authority; and
- (g) that all deliveries to the shop shall be between the hours of 07.00 and 11.00.

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) 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;
- (e) in the interest of road safety and avoid the discharge of water on to the public road;
- (f) in order to prevent noise nuisance; and
- (g) in the interests of residential amenity.

List of Determined Plans:

- Drawing - Reference No (or Description): 283/02;
- Drawing - Reference No (or Description): 283/01;
- Drawing - Reference No (or Description): 283/03;
- Drawing - Reference No (or Description): 283/04;
- Drawing - Reference No (or Description): 283/05;
- Drawing - Reference No (or Description): 283/06;
- Drawing - Reference No (or Description): 283/07 B;
- Drawing - Reference No (or Description): 283/08 A; and
- Drawing - Reference No (or Description): 283/09 B.

**Reason for decision:**

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

- (3) **08/01158/OUT – AYR – EWS Traction Yard, Tryfield Place** – Outline planning permission for residential development.

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

- (4) **09/00514/FUL – AYR – 48 Peebles Street, 65 Peebles Street and Back Peebles Street** – Demolition of buildings and erection of mixed use commercial office and residential development.

**Decided:** to agree that the Depute Chief Executive and Executive Director - Development and Environment be given delegated powers to approve the application, subject to signing of an appropriate legal agreement regarding the provision of affordable housing on site, the submission of a bond for landscape provision and the submission of a bond for the provision of play equipment and 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 10/16/6 glazing, 10/12/6.4 laminate or an acoustic performance equivalent shall be used for all bedrooms fronting Waggon Road;
- (d) that ground remediation be undertaken in accordance with Site Investigation Report S3404/LEK/R1 and that a capping layer of inert material of a minimum of 600 millimetres be used for ground floor landscaped/garden areas. Details of the type and depth of materials to be used shall be submitted for the prior written approval of the Planning Authority;
- (e) 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;



- (f) that junction access visibility sightline splays of 4.5 metres by 60 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;
- (g) 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;
- (h) that a lockable and covered cycle stand accommodating a minimum of 65 cycles shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (i) that 85 parking spaces shall be provided in accordance with the Council's Roads Development Guide as shown on the submitted plan (ref PL/110 REVa), prior to the completion of the development;
- (j) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (k) 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;
- (l) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m<sup>2</sup>. The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within 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;
- (m) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;

- (n) 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; and
- (o) that notwithstanding the terms of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, the ground floor offices shall not be used for any other purpose other than uses within Class 4 of the Town and Country (Use Classes) (Scotland) Order 1997.

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 interests of residential amenity;
- (d) to ensure all contamination within the site is dealt with;
- (e) in the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties;
- (f) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (g) in the interest of road safety and avoid the discharge of water on to the public road;
- (h) to ensure adequate provision of lockable and covered cycle storage on site and to encourage sustainable means of travel;
- (i) in the interest of road safety and to ensure adequate off-street parking provision;
- (j) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (k) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (l) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (m) in the interests of visual and residential amenity;
- (n) in the interests of visual amenity; and
- (o) to enable the use to be adequately controlled and to remain compatible with the character of the surrounding area.

Notes:

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant/developer;

the Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings;

the Council as Roads Authority advises that any alterations to the existing footway crossing require to comply with the specification issued by this Department;

the Council as Roads Authority advises that a Road Opening Permit shall be required for any work within the public road limits;

the Council as Roads Authority advises that the applicant/developer shall be responsible for the reinstatement of the public footway/carrage way along the entire frontage of the site in compliance with the Council's Roads Development Guide; and

the Council as Roads Authority advises that the applicant/developer shall be responsible for the following bus stop improvements:-

- Bus stop on the west side of New Street requires bus boarders and a shelter;
- Bus stop on the east side of New Street requires a shelter;
- Bus stop on east side of Alison Street requires bus boarders and a shelter; and
- Precise details of the siting and specifications shall be submitted with the required Section 56 agreement.

**Listed Determined Plans:**

PL/101 Location Plan;

PL/102 Neighbour notification;

PL/103 Topographical Site Survey;

PL/120 Proposed Street Elevation;

PL121 Block 1 Elevation and Plan;

PL/122 Block 2 Elevation and Plan;

PL/123 Block 3 Elevation and Plan;

PL/124 Block 3 Elevations sheet 2;

0795-BS Demolition Survey;

PL110 REVA Site Plan Ground Floor;

PL110 REVA Site Plan First Floor;

PL110 REVA Site Plan Second Floor;

PL110 REVA Site Plan Third Floor;

PL110 REVA Site Plan Roof Plan;

Acoustic and Vibration Group Noise Assessment Report NGNX0244/rmg/R2; and

Site Investigation Report S3404/LEK/R1.

**Reasons 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) 09/01004/APP – AYR – 11 Bellevue Crescent – Alterations to existing garage roof.**

**Decided:** to refuse the application on the ground that the proposed alterations to the garage roof are contrary to policies STRAT5, BE1, BE3 and BE5 of the South Ayrshire Local Plan as the large scale and height of the proposed dual pitched roof would be overbearing to the extent that it would have a detrimental impact on the character and appearance of the conservation area within which the building is situated.

**List of Determined Plans:**

Drawing - Reference No (or Description): BLOCK PLAN;

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

Drawing - Reference No (or Description): SHEET 1 OF 2; and

Drawing - Reference No (or Description): SHEET 2 OF 2.

**(6) 09/01065/APP – TROON – Struthers Primary School, Staffin Road – Siting of containers.**

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

- (a) that the approval for the proposed structures shall be limited to five years from the date of this consent when the structures shall be removed from the site and the land be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority; 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) the use of the land is of a temporary nature and is only acceptable as a temporary expedient; 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): LOCATION PLAN 01;
- Drawing - Reference No (or Description): SITE PLAN EXISTING 01;
- Drawing - Reference No (or Description): SITE PLAN PROPOSED 02;
- Drawing - Reference No (or Description): SITE PLAN PROPOSED 03;
- Drawing - Reference No (or Description): ELEVATIONS 04;
- Drawing - Reference No (or Description): ELEVATIONS 05; and
- Drawing - Reference No (or Description): ELEVATIONS 06.

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.

Declaration of Interest.

Councillor Grant declared an interest in the following planning application as he had corresponded with the applicant and had dialogue with some of the objectors and withdrew from the meeting during consideration thereof:-

- (7) **09/00944/APP – AYR – Golden Disc, Low Green, Esplanade** – Change of use of public open space to form seating area.

**Decided:** to refuse the application for the following reasons:-

- (a) that the application is contrary to the South Ayrshire Local Plan Policy STRAT5, TOUR3, ENV5 and BE3 in that the change of use represents a private commercial use to the detriment of the wider public amenity of the area of public open space which is also proposed to form an extension to Ayr I Conservation Area; and
- (b) that the development is contrary to Scottish Planning Policy 11 (SPP11) and Planning Advice Note 65 in that the development shall represent the loss of public open space to a commercial use which shall have a detrimental impact on the environmental quality and amenity of the Low Green as a public open space.

List of Determined Plans:

- Drawing - Reference No (or Description): LOCATION PLAN \_SITE PLAN.

**(8) 09/00918APP – TROON – Scout Hall, 30 St. Meddans Street – Erection of fence.**

**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 the existing off-road parking provision shall be retained within the curtilage of the property to the satisfaction of the Roads and Planning Authority; and
- (d) that prior to completion of the development any gates shall open away from the public roadway to the satisfaction of the Roads and 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;
- (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
- (d) in the interest of road safety.

**Notes:**

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant/developer; and the Council as Roads Authority advises that the rights of the utilities to enter the enclosed area in order to gain access to their services in accordance with their rights under law should be maintained.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOC & BLCK PLAN

Drawing - Reference No (or Description): FENCE DETAILS

Other - Reference No (or Description): FENCE SPEC

Other - Reference No (or Description): SPECS

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

**(a) Taxi Drivers.**

(i) With reference to the Minutes of 17th September 2009 (Page 527, paragraph 3(a)(iii)), when that Panel had decided

(A) that the consideration of Mr Samuel McClelland application for renewal of a taxi driver's licence be continued to this meeting to ascertain the outcome of a trial for alleged offences detailed in a letter from Strathclyde Police dated 13<sup>th</sup> August 2009; and

(B) that, in terms of Section 11 of the Civic Government (Scotland) Act 1982, the existing taxi driver licence which would continue in terms of Paragraph 8 (5) of Schedule 1 of the Civic Government (Scotland) Act 1982 should remain suspended as the continuation of the licence would be likely to cause a serious threat to public safety,

the Panel heard an observation from Strathclyde Police and the representative for the applicant, Samuel McClelland, in response and adjourned for consideration of the application for renewal of the licence.

**Decided:** upon reconvening, unanimously, to refuse the application for renewal of the taxi driver's licence held by Samuel McClelland on the grounds that he was not a fit and proper person in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland ) Act 1982.

(ii) The Panel heard an observation from Strathclyde Police and the applicant, Stephen Ferguson, in response and adjourned for consideration of this application.

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

(iii) The Panel heard an observation from Strathclyde Police and the applicant, Andrew Power, in response.

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

(iv) The Panel heard the applicant, Roy Wallis, in relation to his application.

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

(v) The Panel heard the applicant, Michael Holt, in relation to his application.

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

(vi) The Panel heard an observation from Strathclyde Police and the applicant, Laura McBurnie, in response.

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

(vii) The Panel considered the application for the recall of the suspension of the licence previously held by Gavin Tennent.

**Decided:** to note that the application for the recall of the suspension of the licence previously held by Gavin Tennent had been withdrawn.

(viii) The Panel heard the representative for the applicant, Mary Jane Boyle, in relation to her application.

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

(ix) The Panel considered the proposed suspension of two licences.

**Decided:** to agree to suspend the licences held by the following for their unexpired portions as they had failed to undertake training as per the licences issued to them:-

George Watson; and  
Robert Semple.

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

The Panel heard an observation from Strathclyde Police and the applicant, Darren Davidson, in response.

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



(c) **Late Hours Catering.**

**Kawal Jit Kaur for 32 Smith Street, Ayr, KA7 1TF.**

**Decided:** to approve this application for three years, the approved hours being every Sunday to Thursday inclusive from 11.00 p.m. to midnight; and every Friday and Saturday from 11.00 p.m. to 1.00 a.m., subject to standard conditions as previously agreed.

(d) **Second Hand Car Dealer.**

**Derwent Vehicles Ltd. and Kenneth Monaghan for Mercedes Benz of Ayr, High Road, Ayr.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(e) **Second Hand Dealer.**

**Games Centre Ltd. and Ryan McPherson for Games Centre Ltd., 40 Alloway Street, Ayr.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(f) **Booking Offices.**

(i) **8 Escabs and Ian McKillops.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(ii) **8 Escabs and Ian McKillops.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(iii) **Incom-Taxis and Gordon Fallows.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(iv) **Charles Christie.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

**(v) Hannah's Taxis and Martin Fisher.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

**(vi) Mainline Taxis and Allan Hollett.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

**(vii) Streamline Taxis and Catherine Wilkie.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

**(viii) Gribbens Taxis and Lawrence Houston.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

**(ix) Thomas Withers.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

**7. A.O.C.B.****(i) Civic Government (Scotland) Act 1982 - Licences.****Taxi Driver.**

The Panel considered the application and letter from Nigel Banks outlining that he was enrolled on an appropriate training course and wished return of his taxi driver's licence which he had previously surrendered when going to work abroad

**Decided:** to approve the request and require Nigel Banks to complete the first available training course and the licence be subject to standard conditions as previously agreed.

**(ii) Request from SafeAyr Joint Action Group.**

There was submitted a letter (issued) dated 16th December 2009 from the Senior Community Safety Officer (Problem Solving) on behalf of the SafeAyr Joint Action Group requesting that a restriction on the operating times of the taxi rank at Spar, Boswell Park, Ayr be implemented and outlining the reasons for this request, with the proposal being that the taxi rank not be in use from 10.00 p.m. to 4.00 a.m. Fridays and Saturdays and on any other dates when taxi marshals are in operation at the taxi rank outside "Boswells", Boswell Park, Ayr.

**Decided:** in terms of Section 19 of the Civic Government (Scotland) Act 1982 to notify the Chief Constable of this proposal, to advertise in the local press the proposal to restrict the operating times of the taxi rank at Spar, Boswell Park, Ayr, to allow all interested parties to make objections and representation within 28 days of the said advertisement and for the Panel to consider all objections and representations at a further meeting

The meeting ended at 2.55 p.m.