

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 16th June 2011 at 10.00 a.m.

**For items 1 to 4:**

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

Apology: Councillor Ian Douglas.

Attending: C. Cox, Planning Manager; W. Carlaw, Acting Legal Manager; C. Parish, Priority Projects Team Leader; B. Wyllie, Supervisory Engineer – Traffic; and J. McClure, Committee Administrative Officer.

**For Items 5 to 10:**

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

Apologies: Councillors Ian Douglas and Sandra Goldie.

Attending: C. Neillie, Solicitor; G. Lauder, Senior Environmental Health Officer; D. Scobie, Licensing Monitoring Officer; C. Wishart, Licensing Administration Assistant; and J. McClure, Committee Administrative Officer.

Also Attending: Chief Inspector N. Kerr; and Constable J. McDonagh, 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. Implementation of Speed Limit Review.**

There were submitted reports (issued) of 8th June 2011 by the Executive Director – Development and Environment seeking approval to make Orders under the Road Traffic Regulation Act 1984, namely:-

- (1) South Ayrshire Council (A713 at Ailsa Hospital) (Prohibition of Specified Turns) Order 2011; and
- (2) South Ayrshire Council (Charging in Off-Street Parking Places) Order 2011

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

**Declaration of Interest.**

**Councillor Grant declared an interest in the following planning application as he represented the Council on the Strathclyde Partnership for Transport and Councillor Allan did not take part in the determination of this application as he had not been present when the hearing had been conducted by this Panel and they withdrew from the meeting during consideration thereof.**

**3. Continued Planning Application:-Land at Kilmarnock Road, Monkton (Ref: 11/00167/MSCM).**

With reference to the Minutes of 19th May 2011 (Page 336, paragraph 1(1)) when it had been agreed to continue consideration of this application to this meeting, to allow further information to be provided in relation to traffic considerations in and around Monkton, including details of proposed mitigation, to meet the terms of the traffic related conditions of the planning permission in principle, there followed a presentation by the applicant in this respect.

**Decided:** by a majority, to agree that the application be approved subject to the following conditions:-

- (a) that the proposed development shall commence within **two years** from the approval of this 'Matters Specified in Condition' application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that in terms of this planning permission, if the development is to be carried out in more than one phase, a phasing plan which sets out the programme of works to comply with the conditions in this permission shall be submitted to and approved by the Planning Authority prior to the commencement of works on site;
- (d) 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 6 months or the first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;

- (e) Any removal of any scrub, hedge and or vegetation (incl. grassland) shall be undertaken outwith the breeding bird season March to July inclusive, and that it is checked, by an independent qualified bird surveyor for roosting birds prior to any work being undertaken. If work is essential during this period a survey and inspection of any and all possible nesting areas must be undertaken to make certain that no nests are occupied, disturbed and or destroyed. If breeding birds are found, work shall cease until the breeding period ends;
- (f) 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;
- (g) that the development shall not operate as a long stay car park and shall close between the hours of midnight and 5.30 a.m. on Monday, between 1.00 a.m. and 5.30 a.m. on Tuesday to Friday, between 5.00 a.m. and 5.30 a.m. on Saturday and between 5.00 a.m. and 6.30 a.m. and also 8.00 p.m. and midnight on Sunday. During hours of closure, the site shall be secured to prevent vehicular access to the facility, in accordance with Drawing D132670/PL/014 and Drawing D132670/PL/017;
- (h) 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;
- (i) that the applicant shall provide a profiler, traffic loops, counter cabinet, posts, batteries, connectors and solar panel at Kilmarnock Road as detailed in drawing D132670/PL/017 prior to the operation of the park and ride facility;
- (j) that the applicant shall provide signing and road lining, in accordance with the Traffic Signs Regulation and General Directions 2002, between the development and the National Cycle Network Route 7 as detailed in drawing D132670/PL/015-6 prior to the operation of the park and ride facility;
- (k) that the applicant shall provide a minimum of 4 number spaces plus 4% of the total number of parking spaces for disabled people;
- (l) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 7.3metres wide over its initial 30 metres, as measured from the rear of the public footway before [any work starts on site];
- (m) 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;
- (n) that junction access visibility sightline splays of 4.5 metres by 120 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;
- (o) that parking bays shall be a minimum 5.0 metres by 2.5 metres with minimum aisle widths of 6metres;

- (p) that prior to occupation of the development any gates shall open inwards away from the public roadway;
- (q) that a lockable and covered cycle stand accommodating a minimum of 25 cycles shall be provided in accordance with drawing D132670/PL/015-6 prior to the operation of the park and ride facility;
- (r) that raised boarding facilities shall be provided at all bus stops within the site boundaries. Precise details of the siting and specification of the required boarding facilities shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (s) that lockable gates/ barriers at all accesses and egresses to the car parks shall be provided to the satisfaction of the Planning Authority prior to the operation of the park and ride facility; and
- (t) that physical measures to prevent cars from turning right from the development onto Kilmarnock Road shall be provided to the satisfaction and written approval of the planning Authority prior to the operation of the park and ride facility.

**Reasons:**

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to ensure that works are completed at an appropriate stage in the development of the site;
- (d) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (e) to protect any roosting or breeding birds within the site, as per the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004;
- (f) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (g) to ensure that the development operates as a park and ride facility;
- (h) in the interests of visual amenity;
- (i) to monitor the impact of the development on the road network;
- (j) to encourage sustainable means of travel;
- (k) to ensure adequate provision for disabled parking;
- (l) in the interest of road safety and to ensure an acceptable standard of construction;
- (m) in the interest of road safety and avoid the discharge of water on to the public road;
- (n) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (o) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (p) in the interest of road safety;
- (q) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel;
- (r) in the interest of road safety and to ensure an acceptable standard of construction;

- (s) in the interest of road safety and to ensure an acceptable standard of construction; and
- (t) in the interest of road safety and to ensure an acceptable standard of construction.

**Advisory Notes:**

- 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 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;
- the Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits;
- the Council as Roads Authority advises that the Council will not be liable to adopt the drainage system as it is wholly contained within private ownership;
- the Council as Roads Authority advises that a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges is required. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority and the applicant. No later than one 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 for addressing the recommendations contained within the audit report;
- the Council as Roads Authority advises that access to the site by cars shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide figure 5.7 before completion of the development;
- the Council as Roads Authority advises that any costs associated with the implementation of a Real Time Passenger Information System will require to be borne by the Applicant / Developer;
- The Council advises that landscaping should be carried out in conformity with the general Aviation Awareness Council and Civil Aviation Authority document "Safeguarding of Aerodromes Advice Note 3; Potential Bird Hazards from Amenity Landscaping and Building design";
- The Council advises that the developer should consult the Prestwick Airport aerodrome / airfield manager for permission to work if a crane is to be used within 6 km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees;

Note: Article 55 of the Air Navigation Order makes it an offence for a person to act recklessly or negligently in a manner likely to endanger aircraft.

**List of Determined Plans:**

Drawing - Reference No: AL (0) 008;  
 Drawing - Reference No: 132670-ENV-PD01;  
 Drawing - Reference No: D132670-ENV-PD02;  
 Drawing - Reference No: D132670/PL/002;  
 Drawing - Reference No: D132670/PL/005;  
 Drawing - Reference No: D132670/PL/003;  
 Drawing - Reference No: D132670/PL/008;  
 Drawing - Reference No: D132670/PL/009;  
 Drawing - Reference No: D132670/PL/010;  
 Drawing - Reference No: D132670/PL/011;  
 Drawing - Reference No: D132670/PL/012;  
 Drawing - Reference No: D132670/PL/013;  
 Drawing - Reference No: PDI.12.83;  
 Drawing - Reference No: D132670/PL/001 Rev. A;  
 Drawing - Reference No: D132670/PL/006 Rev. A;  
 Drawing - Reference No: AL (0) 009;  
 Drawing - Reference No: Appendix 1;  
 Drawing - Reference No: D132670/PL/014;  
 Drawing - Reference No: D132670/PL/017;  
 Drawing - Reference No: D132670/PL/015;  
 Drawing - Reference No: D132670/PL/015-6;  
 Drawing - Reference No: D132670/PL/016;  
 Drawing - Reference No: D132670/PL/017;  
 Drawing - Reference No: AL (0) 001 Rev A;  
 Drawing - Reference No: AL (0) 002 Rev A;  
 Drawing - Reference No: AL (0) 003 Rev A;  
 Drawing - Reference No: AL (0) 004 Rev A;  
 Drawing - Reference No: AL (0) 005 Rev A;  
 Drawing - Reference No: AL (0) 006 Rev A;  
 Drawing - Reference No: AL (0) 007 Rev A;  
 Drawing - Reference No: D132670/ENV/PP01 Rev A;  
 Drawing - Reference No: D132670/ENV/PP02 Rev A;  
 Drawing - Reference No: D132670/PL/004 Rev A;  
 Drawing - Reference No: D132670/PL/007 Rev A;  
 Drawing - Reference No: D132670/PL/009; and  
 Drawing - Reference No: D132670/PL/018.

**Reason for Decision:**

The development hereby approved can be justified in terms of the development plan, it is in accordance with the principles and requirements of planning permission 09/00814/OUT and subject to appropriate conditions, there is no significant adverse impact on the amenity of the neighbouring land and buildings.

**Adjournment.**

The time being 10.30 a.m., the Panel adjourned for ten minutes.

**Recommencement of Meeting.**

The meeting recommenced at 10.40 a.m.

**At this point, Councillors Allan and Grant re-joined the meeting.**

**4. Applications for Planning Permission.**

There were submitted reports (issued) of June 2011 by the Executive Director - Development and Environment and letters of objection or support, as appropriate, on current applications for determination.

The Panel decided as follows:-

- (1) 11/00426/APPM – MONKTON – Land at Main Street** - Erection of residential development and formation of associated access and landscaping.

**Decided:** to agree that the Executive Director - Development and Environment be given delegated powers to approve the application subject to the signing of a Section 75 legal agreement regarding affordable housing, the payment of landscape and play equipment bonds and 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 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;
- (d) that the existing natural stone boundary wall on the Main Street frontage of the site shall be retained, with the exception of one breach at the proposed vehicular entrance to the site and one breach at the proposed pedestrian entrance to the site close to the bus stop. Precise layout and constructional details (including cross-sections, plans and elevations) of how it is proposed to reinstate / terminate the wall at either side of the new openings shall be submitted for the prior written approval of the planning authority before any work commences on site;
- (e) that plots with key frontages and side / rear gardens facing the public realm (including plots 1-3, 6-7, 10-13, 18, 20, 24, 27, 28, 32, 54-58 shall be of brick, block, reconstituted stone, render, railings or hedging, the precise details and specifications of which shall be submitted for the prior written approval of the planning authority before any work commences on site;
- (f) 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;

- (g) 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;
- (h) that during the construction phase, all construction traffic shall be routed via Monktonhill Roundabout. A proposed route management plan shall be submitted for the prior written approval of the planning authority before any work commences on site;
- (i) that 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 Council as Planning Authority;
- (j) that prior to the occupation of the first dwelling house, a residential travel pack shall be submitted for the prior written approval of the planning authority. The residential travel pack shall contain all relevant travel information including local walking and cycle maps illustrating routes to key facilities and bus timetables. The approved residential travel pack shall be provided to each house prior to occupation;
- (k) that junction access visibility sightline splays of 2.5 metres by 60.0 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;
- (l) 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;
- (m) that the private driveways shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to occupation of the development. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (n) that prior to completion of the development any gates shall open inwards away from the public roadway;
- (o) that a bird hazard control plan and risk assessment shall be submitted for the prior written approval of the planning authority, in consultation with Prestwick Airport, before any work commences on site;



- (p) that prior to commencement of the development, precise details and specifications (including layout, construction, lighting and maintenance arrangements) of the required path link through the southern portion of the site up to the rear of the primary school and up to the eastern boundary of the Aerospace Park shall be submitted for the prior written approval of the planning authority. The required path links shall be implemented in accordance with the approved plans and specifications before the occupation of any of the proposed houses;
- (q) that prior to commencement of the development, precise details and specifications (including layout, construction, lighting and maintenance arrangements) of a path link from the roads within the site to the south eastern corner of the Main Street frontage of the site close to the existing bus stop shall be submitted for the prior written approval of the planning authority. The required path link shall be implemented in accordance with the approved plans and specifications before the occupation of any of the proposed houses;
- (r) that prior to the commencement of the development hereby permitted, a detailed plan of public access over the site, as existing, during construction and after completion of the development, shall be submitted to, and approved in writing by, the planning authority, such plan to identify:-
- all existing paths, tracks and rights of way and any areas of land currently outwith or excluded from statutory access rights, under part 1 of the Land Reform (Scotland) Act 2003;
  - any areas of land proposed for exclusion from statutory access rights after construction of the development, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
  - all paths and tracks proposed for construction, for use by walkers, cyclists, horse riders et cetera; and
  - any paths proposed for diversion, whether temporary or permanent, for the purposes of facilitating the development;

The approved plan shall then be implemented to the satisfaction of the planning authority, prior to the occupation of any of the dwellinghouses hereby permitted;

- (s) 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, hedges and grass to be planted, the extent and profile of any areas of earthmounding and a 1.5m fence, child proof gate and track around the SUDS area, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented prior to occupation of the last house in the development. The open space / landscaped area shall be retained as open space and to this approved standard. This landscaping scheme shall include semi-mature tree planting in the eastern tree belt and supplementary tree planting throughout the application site. The required landscape scheme should take account of the Safeguarding of Aerodromes Advice Note 3 (potential bird hazards from amenity landscaping and building design) and also the preference of Glasgow Prestwick Airport that the proposed SUDS pond contains no planted species or vegetation other than grass in the basin;

- (t) that all landscaping works and open space provision (including the SUDS area, circular path, 1.5m fencing and child proof gate) shall be completed in accordance with the approved landscape drawings prior to the occupation of the last house in the approved development. The open space/landscaped area shall be retained as open space and to this approved standard;
- (u) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (v) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2005 Trees in relation to Construction, to the satisfaction of the Planning Authority;
- (w) that prior to any work commencing on site crown lifting to the height of 5.2m and removal of basal epicormic growth shall take place to the trees growing to the eastern boundary;
- (x) that before any works start on site, the developer shall submit details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;
- (y) that a play area of 263sqm shall be provided within the site on the strip of land to the south of plot 28. Precise details and specifications of the play area layout and proposed equipment shall be submitted for the prior written approval of the planning authority before any work commences on site;
- (z) that foul drainage from the site shall be discharged only to the public sewerage system. 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;
- (aa) 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);

- (bb) that the internal noise level (L<sub>aeq</sub> TdB) within the proposed properties shall not exceed 45dB(A) daytime 07.00 hours to 23.00 hours and 35dB(A) night time 23.00 hours to 07.00 hours (internal measurements assessed with windows sufficiently open for ventilation). In order to achieve this, the measured external background L<sub>Aeq</sub> daytime shall not exceed 55dB(A) and 45dB(A) night time on any part of the site marked for dwellings. A day time / night time assessment together with any noise mitigation measures shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site. For the avoidance of doubt all noise measurements shall be carried out by a suitably qualified acoustic consultant or other competent person; and
- (cc) that before any work commences on site precise details and specifications of road construction measures designed to minimise detrimental impact on the existing trees shall be submitted for the prior written approval of the planning authority. Thereafter, the proposed roads shall be constructed in accordance with the submitted and approved specifications.

**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 visual amenity;
- (d) in the interests of visual amenity;
- (e) in order to create robust and visually attractive boundaries to the public realm which also effectively screens the garden ground. In order to retain proper control over the development proposal;
- (f) in the interests of visual and residential amenity;
- (g) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (h) in the interest of road safety;
- (i) in the interest of road safety;
- (j) to encourage sustainable means of travel;
- (k) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (l) in the interest of road safety and avoid the discharge of water on to the public road;
- (m) in the interest of road safety and to ensure an acceptable standard of construction;
- (n) in the interest of road safety;
- (o) in the interests of airport safety;
- (p) to ensure that the proposed development complies with the development plan. To encourage sustainable means of travel and to create a safe route to the local primary school;
- (q) to encourage sustainable means of travel and to facilitate access to the village and the bus stop;
- (r) to ensure adequate provision for public access across the site and into the wider path network, in the interests of amenity and the proper access planning of the area;

- (s) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality. In the interests of airport safety;
- (t) to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (u) 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;
- (v) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (w) in order to ensure that no damage is caused to the existing trees during development operations;
- (x) in order to ensure that no damage is caused to the existing trees during development operations;
- (y) to ensure compliance with South Ayrshire Council Supplementary Planning Guidance: Open Space and Designing New Residential Developments and in the interests of residential amenity. In order to retain proper control over the development proposal;
- (z) in the interests of pollution control;
- (aa) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (bb) to avoid noise disturbance in the interests of residential amenity; and
- (cc) to ensure that the proposed road construction works are modified to minimise detrimental impact on the existing trees.

**Advisory Notes:**

- note that Prestwick Airport has recommended that the applicant / developer seeks further consultation with the airport in order to ensure consideration of cranes in relation to airport safety at the detailed application stage;
- it should be noted that, in the interests of airport safety, Glasgow Prestwick Airport suggests that no permanent water should be within the SUDS pond, that the basin is fully established before use, that access is provided to the basin and that a maintenance programme is implemented to ensure regular cutting of grass, an annual clearance of aquatic vegetation and silt removal;
- 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 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;
- please note that 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;

- 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 one 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 and the applicant. The requirement to complete a Road Safety Audit includes a requirement to address the recommendations contained within the audit report; and
- the applicant / developer is advised to contact Scottish Water directly regarding connection to Scottish Water infrastructure. The Scottish Water reference for this proposal is 568887 and the contact is Laura Muir, Customer Connections Administrator ([laura.muir@scottishwater.co.uk](mailto:laura.muir@scottishwater.co.uk)) at 419 Balmore Road, Glasgow, G22 6NU, telephone 0141 355 5511.

**List of Determined Plans:**

Drawing - Reference No (or Description): 1-001A;  
 Drawing - Reference No (or Description): 1847-20 REV. A;  
 Drawing - Reference No (or Description): 1847.30 REV. A;  
 Drawing - Reference No (or Description): 20-003;  
 Drawing - Reference No (or Description): 20.001U;  
 Drawing - Reference No (or Description): PRELIMINARY LEVELS AND DRAINAGE;  
 Drawing - Reference No (or Description): H408--S 1 OF 2;  
 Drawing - Reference No (or Description): H408--S 2 OF 2;  
 Drawing - Reference No (or Description): H411--S 1 OF 2;  
 Drawing - Reference No (or Description): H411--S 2 OF 2;  
 Drawing - Reference No (or Description): H433--S 1 OF 2;  
 Drawing - Reference No (or Description): H433--S 2 OF 2;  
 Drawing - Reference No (or Description): H469--S 1 OF 2;  
 Drawing - Reference No (or Description): H469--S 2 OF 2;  
 Drawing - Reference No (or Description): H508--S 1 OF 2;  
 Drawing - Reference No (or Description): H508--S 2 OF 2;  
 Drawing - Reference No (or Description): P364-E-S;  
 Drawing - Reference No (or Description): SH21BE-4;  
 Drawing - Reference No (or Description): SH31BE-4;  
 Drawing - Reference No (or Description): SH41BE-4;  
 Other - Reference No (or Description): MONKTON/1 REV. A;  
 Other - Reference No (or Description): ARCHAEOLOGICAL REPORT – 3306;  
 Other - Reference No (or Description): PAC REPORT;  
 Other - Reference No (or Description): TREE SURVEY; and  
 Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT.

**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) **11/00364/APP – PINMORE – Maclachrieston Farm** – Erection of temporary anemometry mast.

Councillor Galbraith, seconded by Councillor Allan, moved that the application be approved subject to conditions.

By way of Amendment, Councillor Oattes, seconded by Councillor Goldie, moved that the application be refused on the grounds that it was contrary to policy ECON7 of the Ayrshire Joint Structure Plan and policies STRAT5 and ENV8 of the South Ayrshire Local Plan in that there would be an adverse cumulative impact on the scenic beauty of the surrounding area and the mast would be visually intrusive.

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

**Decided:** to agree that the application be approved 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 planning permission of the anemometer mast shall be for a maximum period of 2 years from the date of the erection of the anemometer mast on site. The applicant shall confirm in writing with the Planning Authority the commencement date of the erection of the anemometer mast under the consent hereby granted, prior to the implementation of the permission;
- (c) 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;
- (d) that the use of the anemometer mast hereby granted planning permission shall be discontinued and removed from the site on or before the expiry of the 2 year consent. The applicant shall, within 1 month of the expiry of the 2 year consent referred to in condition 2, submit details and a suitable timescale required for the reinstatement of the land for the written approval of the Planning Authority;
- (e) that bird deflector disks shall be installed on all of the guy wires at a distance of between 2.5 metres and 5 metres apart. These disks shall thereafter be maintained for the lifetime of the mast;
- (f) that the construction of the mast shall take place outwith the period of 1st March to 31st August; and
- (g) that the mast shall be fitted with 25 candela red omni directional red aviation lighting at the highest practicable point.

**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) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (c) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (d) in the interest of visual amenity;
- (e) in the interest of reducing bird strike;
- (f) to ensure compliance with the Conservation (Natural Habitats &c) Regulations 1994 and the Wildlife and Countryside Act 1981 as amended by the (Scotland) Act 2004; and
- (g) in the interests of aircraft safety.

**List of Determined Plans:**

Drawing – Reference No (or Description): Location Plan; and  
 Drawing – Reference No (or Description): Proposed Elevation.

**Reason for Decision:**

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

- (3) **11/00458/APP – AYR – Forehill Primary School** – Alterations and extension to school.

**Decided:** to agree that the application be approved 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 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
- (d) 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 the first planting season following the completion or occupation of the development, whichever is the sooner.

**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 visual amenity; and
- (d) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

**List of Determined Plans:**

Drawing - Reference No (or Description): 6075-L02;  
 Drawing - Reference No (or Description): 6097 B-C/EX/002;  
 Drawing - Reference No (or Description): 6097-L03;  
 Drawing - Reference No (or Description): 6097/EX/001;  
 Drawing - Reference No (or Description): 6097/GA/001;  
 Drawing - Reference No (or Description): 6097/GA/L11; and  
 Other - Reference No (or Description): DESIGN STATEMENT.

**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 noon, 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. 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.

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

The Licensing Monitoring Officer advised

- (1) that, following the recent Taxi Operators and Private Hire Operators Forum, she had met with representatives of the Taxi Trade and Eric Kelty of Roads and Transportation to discuss the requirement for more Taxi Ranks in South Ayrshire;
- (2) that the meeting had been very productive and a letter proposing further Taxi Ranks would now be submitted by the Trade to the Roads Section to progress this matter and that she would keep the Panel updated on this;



- (3) that she had recently carried out joint inspections with Strathclyde Police in Ayr, Prestwick and Troon where they had inspected a number of Private Hire Vehicles, Taxis and their drivers with the checks centring on the safety of the vehicles and compliance with licensing conditions, e.g. tyres, lights, fire extinguishers and ID badges; and
- (4) that the checks had revealed that issues existed with the safety of some vehicles, particularly in relation to tyres and lights and that these vehicles had been given Notices by Strathclyde Police.

**Decided:** to note the report from the Licensing Monitoring Officer.

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

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

- (i) The Panel heard from Alan Lee in relation to his application.

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

- (ii) The Panel heard an observation from Strathclyde Police and the applicant, John Loudon, in response.

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

By way of an Amendment, Councillor Oattes, seconded by Councillor Fitzsimmons 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 four for the Motion which was accordingly declared to be carried.

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

- (iii) The Panel heard an observation from Strathclyde Police and the applicant, William Woodside in response.

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

- (iv) The Panel heard an objection from Strathclyde Police and the applicant, Charlie O'Hehir in response.

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

- (v) The Panel heard from Robert Little in relation to his application.

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

- (vi) The Panel considered the proposed suspension of the licence currently held by John Gemmell due to the contents of the letter from Strathclyde Police, heard from Strathclyde Police and the applicant in response and adjourned for consideration of this matter.

**Decided:** upon reconvening, not to suspend the licence held by John Gemmell until criminal court proceedings had taken place, at which time a decision would be taken by the Panel.

- (vii) The Panel considered the proposed recall of the suspension of the licence previously held by Roy Wallis.

**Decided:** having heard that the applicant had now completed and passed the appropriate training course, to recall the suspension of the licence previously held by Roy Wallis with immediate effect.

- (viii) The Panel heard an observation from Strathclyde Police and considered the application from Stephen Ferguson.

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

**(b) Taxi Vehicle.**

The Panel considered the application from Craig Bilham.

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

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

- (i) The Panel heard an observation from Strathclyde Police and the applicant, James Fallows in response.

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

- (ii) The Panel considered the letter from Andrew Pollock in relation to his application.

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

(d) **Street Traders.**

(i) **Michele Mancini for Sale of Ice Cream, etc. at Ayr Central. Ayr.**

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

(ii) **Kevin Kane for Sale of Flowers, Bedding Plants, etc. at Mill Street, Ayr.**

**Decided:** to refuse this application as the applicant had failed to provide two passport photographs or have his photograph taken in the Licensing Office.

(e) **Late Hours Catering.**

(i) **Razia Akhtar, 64 Sandgate, Ayr, KA7 1BX.**

The Panel considered the letters of objection in relation to this application and heard from the applicant's representative.

**Decided:** to grant delegated powers to the Licensing Policy Officer to approve this application on receipt of notification that Environmental Health were satisfied with the premises, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 1.30 a.m., subject to standard conditions as previously agreed.

(ii) **Arshad Ali, 32 Main Street, Prestwick, KA9 1NX.**

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

**Decided:** to grant delegated powers to the Licensing Policy Officer to approve this application on receipt of notification that Environmental Health were satisfied with the premises, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 1.30 a.m., subject to standard conditions as previously agreed

(iii) **Ferhat Aras, 58 Sandgate, Ayr, KA7 1BX.**

**Decided:** to refuse this application as the premises had been refused planning permission for the sale of hot food for consumption off the premises being any other good reason for refusing the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982.

(iv) **Quaisar Malik, 9 West Portland Street, Troon.**

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

(f) **Houses in Multiple Occupation.**

(i) **Leonardo Ippolito for premises at 8 Dalblair Road, Ayr, KA7 1LU.**

**Decided:** to continue consideration of this application to a future meeting of this Panel to allow a site visit to be carried out.

(ii) **Rachael Gibbons for premises at 1 Citadel Place, Ayr, KA7 1JN.**

**Decided:** having heard that the outstanding works had now been carried out, to approve this application.

(iii) **Rachael Gibbons for premises at 3 Citadel Place, Ayr, KA7 1JN.**

**Decided:** having heard that the outstanding works had now been carried out, to approve this application.

9. **Exclusion of press and public.**

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded only from the following item of business on the agenda, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

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

**Taxi Drivers.**

The Panel heard an observation from Strathclyde Police and the applicant, Glenn Wilson in response.

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

The meeting ended at 3.10 p.m.