

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 15th March 2012 at 10.00 a.m.

For Items 1 to 4:

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

Apologies: Councillors Ian Douglas and Alec Oattes.

Attending: M. Newall, Head of Planning and Enterprise; C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; M McClelland, Development Management and Business Change Team Leader; A. Browne, Senior Planning Development Case Officer; B. Wyllie, Supervisory Engineer (Traffic); and A. Gibson, Committee Services Officer.

For Items 5 to 10:

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

Apologies: Councillors Bill Grant and Alec Oattes.

Attending: K. Briggs, Legal and Licensing Manager; R. Howe, Fleet Manager; D. Woodward, Fleet Inspector; M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

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

1. Orders Under the Road Traffic Regulation Act 1984.

There were submitted reports (issued) of February 2012 by the Executive Director - Development and Environment seeking approval to make the following Orders under the Road Traffic Regulation Act 1984:-

- (1) the "South Ayrshire Council (Troon Town Centre) (Waiting Restrictions) (Amendment) Order 2012";
- (2) the "South Ayrshire Council (Ayr Hospital Access Road) (Waiting Restrictions) Order 2012";
- (3) the "South Ayrshire Council (Riverside Campus) (Various Roads) (20 MPH Speed Limit) Order 2012"; and

- (4) the “South Ayrshire Council (Riverside Campus) (Various Roads) (Waiting Restrictions) Order 2012”.

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

2. Consolidation of Traffic Regulation Orders for Decriminalised Parking Enforcement (D.P.E.)

There was submitted a report (issued) of 21st February 2012 by the Executive Director - Development and Environment seeking approval to make a series of Traffic Regulation Orders under the Road Traffic Regulation Act 1984, effectively dividing all of the existing Traffic Regulation Orders (previously consolidated for the purposes of Decriminalised Parking Enforcement) into “Moving” and “Static” Orders.

Decided: to approve the making of the following Orders:-

- (1) South Ayrshire Council (Town of Ayr) (Waiting Restriction Orders) (Consolidation) Order 2012;
- (2) South Ayrshire Council (Town of Prestwick) (Waiting Restriction Orders) (Consolidation) Order 2012;
- (3) South Ayrshire Council (Town of Troon) (Waiting Restriction Orders) (Consolidation) Order 2012;
- (4) South Ayrshire Council (Various Streets, Girvan) (Waiting and Loading Restriction Orders) (Consolidation) Order 2012;
- (5) South Ayrshire Council (Various Streets, Maybole) (Waiting Restrictions) (Consolidation) Order 2012;
- (6) South Ayrshire Council (Various Streets, Tarbolton) (Waiting Restrictions) (Consolidation) Order 2012;
- (7) South Ayrshire Council (Town of Ayr) (One-Way Streets, Bus Lanes, Cycle Lanes, Prohibited Turns, Compulsory Movements, Prohibition of Driving and Vehicle Length Restriction Orders) (Consolidation) Order 2012;
- (8) South Ayrshire Council (Town of Prestwick) (One-Way Streets and Bus Lane Orders) (Consolidation) Order 2012;
- (9) South Ayrshire Council (Various Roads, Girvan) (One-Way Streets and Bus Stop Clearway Orders) (Consolidation) Order 2012;
- (10) South Ayrshire Council (Various Streets, Tarbolton) (One-Way Operation) (Consolidation) Order 2012; and
- (11) South Ayrshire Council (School Vennel, Maybole) (Prohibition of Driving) (Consolidation) Order 2012.

At this point, the Planning Manager advised that although the planning applications being considered today had been finalised prior to the approval of the South Ayrshire Development Plan on 8th March 2012, none of the recommendations have been affected by the provisions of the new Local Development Plan.

3. Continued Planning Application – Erection of a Windfarm and Associated Works at Breaker Hill, Pinwherry (Ref: 09/00979/APP).

With reference to the Minutes of 27th October 2012 (Page 635, paragraph 1(1)), there was submitted a report (issued) of February 2012 by the Executive Director - Development and Environment regarding a planning application that had been previously continued in respect of the erection of a windfarm and associated works at Breaker Hill, Pinwherry.

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

- (1) that the proposed development is contrary to policies ECON6 and ECON7 of the Ayrshire Joint Structure Plan and the AJSP Addendum on Windfarms in that the site is located outwith the Areas of Search for windfarms in the development plan and the development proposal has adverse effects on national natural heritage designations, tourism and leisure interests, residential amenity, sensitive landscape character areas (including cumulative impacts) and the wider environment to an extent that cannot be satisfactorily overcome or minimised. There are no over-riding reasons to depart from development plan policy;
- (2) that the proposed development would be contrary to policies STRAT1, ECON6, ECON7 F and G, ENV1, ENV2 and ENV4 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8, ENV10 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice in that it would have a direct and significant impact on the sensitive landscape and scenic qualities of the area and the potential adverse effects cannot be satisfactorily addressed. Specifically the application proposes a windfarm development breaking the skyline within a landscape character type which is not considered as a suitable search area for windfarms on landscape character grounds. The location of the site is at an important convergence of the Assel, Duisk and Stinchar Valleys and forms part of a range of hills which contribute to the setting of those valleys and which provide a clear ridge and separation between the coast, the plateau moorlands and forested foothills beyond;
- (3) that the proposed development would be contrary to policies ECON6, ECON7 D and ENV4 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice in that the proposed development, in combination with other windfarms, would have a cumulative and significant adverse effect on landscape character and visual amenity. There are no over-riding reasons to depart from development plan policy or government policy and guidance;

- (4) that the proposed development would be contrary to policies STRAT1, ECON6, ECON7 B,C, E and G and ENV7 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, ENV1 ENV2 and ENV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice, in that it would potentially compromise the integrity of the internationally significant Lendalfoot Hills Complex Special Area of Conservation, the Knockdaw Hill SSSI and the Aldons Hill SSSI. There is insufficient information available to ascertain that the impacts on all qualifying interest within and adjacent to the application site would be acceptable. There are no over-riding reasons to depart from development plan policy or government policy and guidance;
- (5) that the application proposal is contrary policies ECON6, ECON7 E(3) and ECON12 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice in that, on the information available, it is considered to be likely to have an adverse impact on the tourism resource in the locality of the application site which includes its high scenic value. There are no over-riding reasons to depart from development plan policy or government policy and guidance; and
- (6) that the application proposal is contrary to policies ECON6, ECON7 E (4) & G of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms and policy STRAT5 and BE1 of the adopted South Ayrshire Local Plan by reason of the potential detrimental impact on residential amenity of communities and dwellings within the locality due to the scale, visual dominance and proximity of the wind turbines. The applicant has not demonstrated that the impact will be acceptable. There are no over-riding reasons to depart from development plan policy.

List of Determined Plans:

- Drawing - Reference No (or Description): LOCATION PLAN;
- Drawing - Reference No (or Description): SITE PLAN 1:10,000;
- Drawing - Reference No (or Description): SITE PLAN 1:12500;
- Other - Reference No (or Description): PLANNING SUPPORT STATEMENT;
- Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Vol 1 Summary;
- Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Vol 2 Text;
- Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Vol 3 Figures;
- Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Vol 4 Appendices;
- Other - Reference No (or Description): PHASE 2 VEGETATION SURVEY;
- Other - Reference No (or Description): HYDRO ECOLOGY SURVEY;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 1.1 Location and context;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.1 Local context;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.2 Detailed site layout;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.3 Proposed turbine;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.4 Turbine foundation;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.5 Hardstanding details;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.6 wind monitoring mast;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.7 Road construction;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.8 Culvert details;
- Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.9 Switch gear house;

Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.10 Construction compound;
 Drawing - Reference No (or Description): ES VOL 3: FIGURE 2.11 Construction access route;
 Drawing - Reference No (or Description): 13187/001 NVC survey map;
 Drawing - Reference No (or Description): 13187/002 hand auger locations;
 Drawing - Reference No (or Description): 13187J/003 General flow direction; and
 Drawing - Reference No (or Description): 13187J/003 Groundwater monitoring.

4. **Applications for Planning Permission.**

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

The Panel decided as follows:-

- (1) **11/01464/FUR – PINMORE – MACLACHRIESTON FARM, A714 Pinmore - South to B743 at Pinmore Bridge, South of Pinmore** – Further application so as not to comply with condition (7) of planning consent (Ref: 10/00323/APP).

Decided: to note that this application would be continued to a future meeting of this Panel.

At this point, Councillor Grant intimated that he wished to address the Panel regarding the next planning application, as a Local Member and subsequently would not participate as a member of the Panel in the consideration of the following two planning applications on the agenda.

- (2) **11/01182/APP – AYR – 12 Fort Street** – Erection of flue.

Councillor Grant addressed the Panel as a Local Member.

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. For the avoidance of doubt no external alterations to the existing chimney are permitted as part of this consent; and
- (c) that ventilation within the kitchen areas shall be adequate and suitable for the food handling/cooking carried out therein. The ventilation system in this area shall be provided with suitable means of filtration e.g., grease and charcoal filters and extending ducting terminating at least one metre above eaves level (as shown on the submitted plans) or alternatively the operation of the premises is limited to enclosed unit cooking.

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; and
- (c) in order to prevent the occurrence of a smell nuisance.

Advisory Notes:

Environmental Health has advised that the applicant should be aware that the Council reserves the power to instigate formal action in terms of the Environmental Protection Act 1990 at a later stage should a statutory nuisance be found to exist

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): PLANS, ELEVATIONS _SECTIONS;
 Other - Reference No (or Description): FUME FILTRATION HOOD DETAILS; and
 Other - Reference No (or Description): FLUE / CHIMNEY DETAILS.

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) **11/01349/APP – AYR – 12 Fort Street** – Further application so as not to comply with conditions (1) and (2) of planning consent (Ref: 08/00740/COU).

Decided:

- (a) that condition (1) on planning decision notice (Ref: P/PPA/370/329) dated 9th July 2009 be varied as follows:-
 - (i) that before any open cooking commences, ventilation arrangements to the satisfaction of Environmental Health and in accordance with an extant planning permission shall be fully implemented on site to the satisfaction of the Planning Authority. For the avoidance of doubt, ventilation within the kitchen areas shall be adequate and suitable for the food handling/cooking carried out therein. The ventilation system in this area shall be provided with suitable means of filtration e.g., grease and charcoal filters and extending ducting terminating at least one metre above eaves level or alternatively the operation of the premises is limited to enclosed unit cooking; and

- (b) that condition (2) on planning decision notice (Ref: P/PPA/370/329) dated 9th July 2009 be maintained as follows:-
 - (ii) that the use hereby approved shall not operate outside the hours of 0800 to 1700 hours daily on Mondays to Fridays inclusive and shall not operate at all on a Saturday or Sunday.

Reasons:

- (a) to protect the living conditions of local residents from odour nuisance; and
- (b) to protect the living conditions of local residents.

Advisory Notes:

Environmental Health has advised that the applicant should be aware that the Council reserves the power to instigate formal action in terms of the Environmental Protection Act 1990 at a later stage should a statutory nuisance be found to exist.

List of Determined Plans:

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

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, Councillor Grant re-joined the meeting.

- (4) 12/00086/APP – PRESTWICK – Bellevue Road - Formation of access ramp.**

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission; and
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Drawing - Reference No (or Description): 011/007/101;
 Drawing - Reference No (or Description): 011/007/004;
 Drawing - Reference No (or Description): 011/007/005;
 Drawing - Reference No (or Description): 011/007/102;
 Drawing - Reference No (or Description): 011/007/103; and
 Drawing - Reference No (or Description): 011/007/104 Proposed western elevs.

Reason for Decision:

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

- (5) **12/00087/APP – PRESTWICK – Bellevue Road – Alterations and extension to bowling club.**

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) the display of advertisement shall be implemented in accordance with approved plan(s) as listed below;
- (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 off-street parking provision shall be provided within the site in accordance with the submitted and approved layout plan; and
- (e) that, notwithstanding the plans hereby approved, no permission is granted for a wind turbine adjacent to the building and as shown on drawing 011/007/010D.

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 visual amenity;
- (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; and
- (e) to clarify the terms of this permission.

Advisory Notes:

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.

List of Determined Plans:

Drawing - Reference No (or Description): 011/007/001E;
 Drawing - Reference No (or Description): 011/007/002E;
 Drawing - Reference No (or Description): 011/007/004;
 Drawing - Reference No (or Description): 011/007/005;
 Drawing - Reference No (or Description): 011/007/006;
 Drawing - Reference No (or Description): 011/007/010D;
 Drawing - Reference No (or Description): 011/007/011D; and
 Drawing - Reference No (or Description): 011/007/012D.

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.

- (6) **11/01577/APP – KIRKMICHAEL – Kirkmichael Primary School –** Erection of primary school.

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 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;
- (d) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;

- (e) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;
- (f) that before any works start on site, the developer shall institute an accurate survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of all trees. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority;
- (g) 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;
- (h) 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;
- (i) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (j) that the ventilation system in the kitchen area shall be provided with suitable means of filtration e.g., grease and charcoal filters and extended ducting terminating at least one metre above eaves level, or alternatively the operation of the premises is limited to enclosed unit cooking. All mechanical ventilation shall be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be isolated from the ducting by means of flexible connections. Precise details and specifications of the ventilation arrangements shall be submitted for the prior written approval of the planning authority before any work commences on site; and

- (k) 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 shall be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site.

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 and residential amenity;
- (d) in the interests of visual amenity;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (f) in the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (g) in the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (h) in order to ensure that no damage is caused to the existing trees during development operations;
- (i) in the interest of road safety and avoid the discharge of water on to the public road;
- (j) in order to prevent the occurrence of a smell nuisance and to retain proper control over the external appearance of the building; and
- (k) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

List of Determined Plans:

Drawing - Reference No (or Description): 2706 AL (0) 001 location;

Drawing - Reference No (or Description): 2706 AL (0) 002 existing site;

Drawing - Reference No (or Description): 2706 AL (0) 003 existing sections;

Drawing - Reference No (or Description): 2706 AL (0) 010 REV. B proposed site;

Drawing - Reference No (or Description): AL (0) 102 REV. B proposed floor;

Drawing - Reference No (or Description): AL (0) 103 REV. A proposed roof;

Drawing - Reference No (or Description): AL (0) 104 REV. B proposed elevations;

Drawing - Reference No (or Description): AL (0) 105 REV. A proposed sections; and

Other - Reference No (or Description): DESIGN _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.

- (7) **11/01600/APP – GIRVAN – Girvan Harbour, Knockcushan Street – New pontoon berths, access bridge and associated works.**

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission; and
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN 91451/8000;
 Drawing - Reference No (or Description): EXISTING SITE PLAN 91451/8001;
 Drawing - Reference No (or Description): PROPOSED PLANS 91451/8001; and
 Drawing - Reference No (or Description): PROPOSED LAYOUT 91451/8003.

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.

- (8) **12/0006/APP – TROON – Allotments, Isle of Pin Road – Erection of canopy.**

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

- (a) that the development hereby permitted shall be begun within three years of the date of this permission; and
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Drawing - Reference No (or Description): BIRDS EYE VIEW OF STRUCTURE;
 Drawing - Reference No (or Description): PLAN OF WEATHER CANOPY;
 Drawing - Reference No (or Description): PROPOSED ELEVATIONS;
 Drawing - Reference No (or Description): LOCATION PLAN; and
 Drawing - Reference No (or Description): SITE PLAN.

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. 25 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) The Panel considered the proposed suspension of the licence currently held by Stephen McMillan.

Decided: in the absence of the licenceholder, to suspend the licence currently held by Stephen McMillan with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

- (ii) The Panel considered the proposed suspension of the licence currently held by Jason McFadyen.

Decided: in the absence of the licenceholder, to suspend the licence currently held by Jason McFadyen with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

- (iii) The Panel considered the proposed suspension of the licence currently held by Elvis Baya.

Decided: in the absence of the licenceholder, to suspend the licence currently held by Elvis Baya with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

- (iv) The Panel considered the proposed suspension of the licence currently held by John Hogan.

Decided: having heard the licenceholder advise that he was currently undertaking the training, to continue this matter to the next meeting of this Panel scheduled to be held on Thursday, 12th April 2012, to allow him to complete the training.

- (v) The Panel considered the proposed suspension of the licence currently held by Peter Cassidy.

Decided: in the absence of the licenceholder, to suspend the licence currently held by Peter Cassidy with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued

- (vi) The Panel considered the proposed suspension of the licence currently held by Barry Dalton.

Decided: having heard the Solicitor (Licensing) advise that she had received a request from the licenceholder to continue consideration of this matter, to agree to continue this matter to the next meeting of this Panel scheduled to be held on Thursday, 12th April 2012.

- (vii) The Panel considered the proposed suspension of the licence currently held by Edward Armstrong.

Decided: in the absence of the licenceholder, to suspend the licence currently held by Edward Armstrong with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

- (viii) The Panel considered the proposed suspension of the licence currently held by George Bain.

Decided: in the absence of the licenceholder, to suspend the licence currently held by George Bain with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

- (ix) The Panel considered the proposed suspension of the licence currently held by James Beattie.

Decided: in the absence of the licenceholder, to suspend the licence currently held by James Beattie with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

- (x) The Panel considered the proposed suspension of the licence currently held by William McCleary.

Decided: having heard the Solicitor (Licensing) advise that the licenceholder had not worked as a taxi driver for some time and had not undertaken the training course, to suspend the licence currently held by William McCleary with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

- (xi) The Panel considered the proposed suspension of the licence currently held by James Douglas.

Decided: in the absence of the licenceholder, to suspend the licence currently held by James Douglas with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

- (xii) The Panel considered the proposed suspension of the licence currently held by Heather Smith.

Decided: in the absence of the licenceholder, to suspend the licence currently held by Heather Smith with immediate effect for its unexpired portion as she had failed to undertake training as per the licence issued.

- (xiii) The Panel heard from the applicant Thomas Boyle in relation to the continuation his application.

Decided: having considered a letter from the applicant's Solicitor, to agree to continue consideration of this matter to the next meeting of this Panel scheduled to be held on Thursday, 12th April 2012 to allow the applicant to be represented.

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

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

- (xv) The Panel considered the application from Lavinia Wilson who was present but advised the Panel that she had nothing to say in support of her application.

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

- (xvi) The Panel heard an observation from Strathclyde Police in relation to the application from Greg Scoular, who was not in attendance.

Councillor Fitzsimmons, seconded by Councillor Douglas, moved refusal of 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.

By way of Amendment, Councillor Galbraith, seconded by Councillor Goldie, moved that this matter be continued to the next meeting of this Panel scheduled to be held on Thursday, 12th April 2012 to allow the applicant to attend.

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

Decided: to continue consideration of this application to the next meeting of this Panel scheduled to be held on Thursday, 12th April 2012 to allow the applicant to attend.

7. 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.

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

(a) Private Hire Car Driver.

The Panel considered the proposed suspension of the licence currently held by Paul Thomson.

Decided: in the absence of the licenceholder, to suspend the licence currently held by Paul Thomson with immediate effect for its unexpired portion as he had failed to undertake training as per the licence issued.

(b) Private Hire Car Vehicle.

The Panel heard an observation from Strathclyde Police and the representative for the applicant, Ellen Moran, in response.

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

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

On a vote being taken by a show of hands, three Members voted for the Amendment and three for the Motion. The Chair then exercised his casting vote in favour of the Amendment.

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

(c) Taxi Vehicles/Private Hire Vehicle.

- (i) The Panel considered the proposed suspension of licence numbers 10/01033/HCVL, 09/00557/HCVL, 09/00558/HCVL, 09/00560/HCVL, 09/00561/HCVL, 09/00563/HCVL and 10/00764/HCVL currently held by Thomas Withers as he had failed to present these vehicles for an Annual Inspection in terms of Condition 3 of the Private Hire Car Vehicle Licence.

The Panel heard from the Solicitor (Licensing), the Fleet Manager and the applicant in response.

Decided: to suspend the licences currently held by Thomas Withers with immediate effect for the unexpired portions as he had failed to present them for annual inspection in terms of Condition 3 of the Taxi Vehicle Licence; and that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, he was not a fit and proper person to be the holder of the licence.

- (ii) The Panel heard from the applicant, Thomas Withers, in relation to his application.

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.

(d) Street Trader.

Rosemary McCubbin for Sale of Hot and Cold Snacks from a Mobile Vehicle Sited at A70 Layby, Old Toll, Ayr.

The Panel heard from the objector in relation to this application and the applicant's representative in response and, following a question from a Member of the Panel, also heard from Strathclyde Police.

Decided:

- (i) to approve this application for three years, subject to standard conditions as previously agreed; and

- (ii) to direct that Condition 15 of the licence should not apply, i.e. “that except as otherwise directed by the Council, no street trader shall engage in street trading within 50m of any establishment or premises in which are sold or offered for sale any goods or articles or services of the same or similar class and description as those to be sold or offered for sale by the street trader” which would be endorsed on the licence by the Head of Legal and Administration.

(e) **Booking Office.**

In-com-Taxi and Gordon Fallows at 139 Templehill, Troon.

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

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 from the remaining 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 Driver.

The Panel heard an observation from Strathclyde Police and took into account a GP’s letter when considering the proposed suspension of the licence currently held by Callum Dickie.

Decided: in the absence of the applicant, to suspend the licence currently held by Callum Dickie as, in their opinion, in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, the holder of the licence was no longer a fit and proper person to hold the licence and in terms of Paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982, the carrying on of the activity is causing or is likely to cause a threat to public safety. In addition, in their opinion, the circumstances of the case justified immediate suspension for the unexpired portion of the licence.

The meeting ended at 3.20 p.m.