

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 21st March 2013 at 10.00 a.m.

**For Items 1 to 3:**

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

Apology; Councillor Rita Miller.

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

**For Items 4 to 10:**

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

Apologies: Councillors Ann Galbraith and Rita Miller.

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

Also Attending: Inspector D. McMurdo and D. Hastings, Strathclyde Police.

**1. Declarations of Interest.**

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

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

There were submitted reports (issued) of March 2013 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to make the following Orders under the Road Traffic Regulation Act 1984:-

- (1) South Ayrshire Council (Alloway Primary School, Alloway) (Waiting Restrictions) Order 2013;
- (2) South Ayrshire Council (Cathcart Street, Ayr) (Disabled and Doctor's Parking Places) Order 2013; and
- (3) South Ayrshire Council (Disabled Persons' Parking Places) Order 2013.

Clarification was sought and provided regarding the extent of consultation that had taken place with regard to the Order detailed at (1) above and enforcement issues with regard to the Orders detailed at (1) and (2) above.

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

**Councillor Goldie left the meeting and returned during consideration of the Order detailed at 2 (2) above.**

### **3. Applications for Planning Permission.**

There were submitted reports (issued) of March 2013 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) 13/00035/APP – DUNDONALD – Land to the south and west of Olympic Business Park, B730 Dundonald A759 – Council Boundary–** Erection of wholesale warehouse.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that 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;
- (c) that prior to the commencement of works on site, details shall be submitted for the written approval of the boundary treatment along the southern and south-western boundaries of the application site. Any natural planting along the boundaries of the site shall consist of native species, to the satisfaction of the Planning Authority;
- (d) 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 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;
- (e) that junction access visibility sightline splays of 2.5 metres by 160 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;
- (f) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;

- (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 prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway;
- (i) that prior to the commencement of works on-site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating the largest size of vehicle expected to be used by or serve the development. Thereafter, the turning area shall be constructed as approved, prior to the occupation of the building;
- (j) that a minimum of eight off-road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide before completion of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (k) that the existing access shall be widened to a minimum of 5.5 metres in width for a distance of 10 metres, and be surfaced for a distance of at least 4.0 metres, as measured from the rear of the public road carriageway in accordance with the Council's Roads Development Guide, prior to the occupation of the building;
- (l) that the sale of goods shall be restricted to trade sales only. No sales to the public shall be permitted without the submission of a further planning application and approval of the Planning Authority; and
- (m) that the sales area shall not exceed the area detailed on the approved drawings, without the submission of a further submission for approval of the Planning Authority.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) in the interest of visual amenity;
- (d) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (e) in the interest of road safety and to ensure acceptable visibility at road junctions.
- (f) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (g) in the interest of road safety and avoid the discharge of water on to the public road;
- (h) in the interest of road safety;
- (i) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (j) in the interest of road safety and to ensure adequate off-street parking provision;
- (k) in the interest of road safety and to ensure an acceptable standard of construction;
- (l) to clarify the terms of this permission; and

(m) to clarify the terms of this permission.

**Advisory Notes:**

- that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: [www.sepa.org.uk](http://www.sepa.org.uk);
- that work should be undertaken in compliance with legislation and guidance relating to the; Water environment, Chemical & oil storage, Pollution prevention (including construction, demolition and agricultural activities), Storage and movement of waste materials and Controlled waste. Information and guidance, including best practice, can be found at the website of the Scottish Environment Protection Agency (SEPA) as follows [www.sepa.org.uk](http://www.sepa.org.uk);
- the proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.  
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.  
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com);
- the Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer;
- the Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984;
- 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 all costs incurred with crossing existing footway to be borne by the applicant/developer and carried out to this Council's specification; and
- 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): 12/003/001;  
 Drawing - Reference No (or Description): 12/003/002;  
 Drawing - Reference No (or Description): 12/003/003;  
 Drawing - Reference No (or Description): 12/003/004;  
 Drawing - Reference No (or Description): 12/003/005; and  
 Drawing - Reference No (or Description): 12/003/006.

**Reason for Decision:**

The proposal hereby approved is considered to be an appropriate departure from the provisions of the development plan by reason of it being an acceptable site, which is not visually prominent and is well located adjacent to the existing industrial estate at the Olympic Business Park by Dundonald, and there being no significant adverse impact on the amenity of neighbouring land and buildings.

- (2) **13/00053/APP – BARRHILL – Barrhill Primary School, 8 Main Street** – Alterations and extension to school, associated landscaping and erection of fencing.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that 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
- (c) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and
- (d) that a lockable and covered cycle stand accommodating a minimum of 10 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.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) in the interest of road safety and avoid the discharge of water on to the public road; and
- (d) to ensure adequate provision of lockable and covered cycle storage on site and to encourage sustainable means of travel.

**Advisory Notes:**

That prior to commencement of works on site the applicant shall submit a risk assessment detailing the decant of the school to community centre and how access / egress / parking / servicing will be managed, this shall also include how this will be managed in tandem with the works on the school refurbishment relative to site traffic, traffic management etc.

**List of Determined Plans:**

Drawing - Reference No (or Description): (--) – 01;  
 Drawing - Reference No (or Description): (2) – 01;  
 Drawing - Reference No (or Description): (2) – 02;  
 Drawing - Reference No (or Description): (2) – 03;  
 Drawing - Reference No (or Description): (2) – 04;  
 Drawing - Reference No (or Description): (2) – 05;  
 Drawing - Reference No (or Description): (2) – 06;  
 Drawing - Reference No (or Description): (2) – 07;  
 Drawing - Reference No (or Description): (2) – 09;  
 Drawing - Reference No (or Description): (--) 02 REV. A;  
 Drawing - Reference No (or Description): (--) 03 REV. A;  
 Drawing - Reference No (or Description): (2-) 08 REV. A; and  
 Other - Reference No (or Description): REV. A.

**Reason for Decision:**

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

- (3) **13/00068/APP – AYR - Doonfoot Primary School, 28 Abbots Way** – Alterations and extension to school, erection of sprinkler tank building and associated landscaping.

After the Panel heard from Councillor Grant, local member (in attendance for this item only), he left the meeting.

**Adjournment.**

The time being 10.35 a.m., the Panel agreed to adjourn.

**Resumption of meeting.**

The Panel resumed at 10.55 a.m.

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

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

- (c) that before development completion a Staff Travel Plan shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Staff Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car;
- (d) 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;
- (e) that the applicant shall make provision of 4 no Speed Indication Display (SID) signs at locations on Abbots Way and Greenan Road, the precise details of siting and specifications of the SID signs shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site;
- (f) that a 3 metre wide on-road shared use cycleway shall be demarcated through appropriate road markings on the access road to the car parking area accessed to the north of Greenan Road, between the footway link from Castle Walk and the junction with Greenan Road. Precise details of the white lining road markings shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site; and
- (g) the applicant shall make provision of traffic calming in the form of **2no** raised road tables at the junctions of Abbots Way/ Kilbrandon Crescent, and Greenan Road/ car park access road. The raised junctions shall be designed in accordance with the Council's Roads Development Guide and shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) to encourage sustainable means of travel;
- (d) in the interest of road safety and avoid the discharge of water on to the public road;
- (e) for the purposes of road safety and functional operation of the local road network;
- (f) for the purposes of road safety and accessibility; and
- (g) in the interest of road safety and to ensure that adequate provision is made for pedestrians.

**List of Determined Plans:**

Drawing - Reference No (or Description): (B) 03;  
 Drawing - Reference No (or Description): 100 REV A;  
 Drawing - Reference No (or Description): AL(0)002 REV A;  
 Drawing - Reference No (or Description): AL(0)050 REV A;  
 Drawing - Reference No (or Description): AL(0)100 REV A;  
 Drawing - Reference No (or Description): AL(0)110 REV A;  
 Drawing - Reference No (or Description): AL(0)111 REV A;  
 Drawing - Reference No (or Description): AL(0)120;  
 Drawing - Reference No (or Description): AL(0)121 REV A;  
 Drawing - Reference No (or Description): AL(0)130;  
 Drawing - Reference No (or Description): (--) 01; 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.

- (4) **11/00564/APP M –GIRVAN – Proposed Assel Valley Wind Farm, Dalfask Hill, north from Pinmore** – Erection of wind farm consisting of 17 wind turbines and associated development, including installation of 3 permanent meteorological masts, construction of new access tracks and works to existing farm tracks, electrical substation/control building, 3 temporary compounds, 3 borrow pits and associated infrastructure.

The Panel noted

- that the applicant for a proposed wind farm at Assel Valley (ref: 11/00564/APP M) had submitted an appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 and the terms of the Town and Country Planning (Appeals)(Scotland) Regulations 2008 and that appeal was against South Ayrshire Council's "failure to give a decision" (a Deemed Refusal);
- that this Council was no longer the determining authority for this planning application, and notwithstanding this, this Council must provide an opinion on the proposed development for the further consideration of the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA);
- that the time limit to submit a response to the Reporter was 18th February 2013 and a response in the form of the Statement of Observations had already been sent to the DPEA to protect the Council's interests; and
- that although this Panel would not be the determining authority in respect of this application a "Hearing" would not be held, however, interested parties would be allowed to address this Panel and to facilitate this, and in the interests of fairness, the procedures set down for Hearings would be followed.

After the Panel heard from Councillor Oattes, local member, he left the meeting.

**Decided:** to agree that the Executive Director – Economy, Neighbourhood and Environment confirm the Statement of Observations and respectfully request the DPEA Reporter to dismiss planning appeal PPA-370-2026 on the undernoted grounds and to agree that delegated powers be given to the Executive Director – Economy, Neighbourhood and Environment to respond to the DPEA on further submissions and information requests on the same appeal:-

- (a) 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 water environment to an extent that cannot be satisfactorily overcome or minimised. There are no over-riding reasons to depart from development plan policy;
- (b) 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 and 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 and representing ridgeline development within a 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 locality relative to a range of foothills on the edge of that Landscape Character Type, the development of which as proposed would have a detrimental overspill effect of the middle Dale, Lower Dale, Intimate Pastoral Valley, and which in its own right has an unacceptable detrimental impact on the character of the foothills landscape character type by reason of its scale and location;
- (c) 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 and also from consented but as yet to be erected individual turbines, 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;
- (d) that the application proposal is contrary policies ECON6, ECON7 E(3), ECON12 and ECON13 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3, TOUR1 and TOUR3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and 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;

- (e) that the application proposal is contrary to policies ECON6, ECON7 E (4) and 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; and
- (f) that the proposed development would be contrary to policies STRAT1, ENV6 and ECON7 of the Ayrshire Joint Structure Plan, policies STRAT5 and BE6 of the South Ayrshire Local Plan, and Scottish Planning Policy in that the proposal would have an unacceptable impact on the setting of Dinvin Motte and Dow Hill Fort Scheduled Ancient Monuments. There is no over-riding reasons to depart from development plan policy of government guidance in this instance.

**List of Determined Plans:**

Drawing - Reference No (or Description): 2-4R;  
 Drawing - Reference No (or Description): AVA 6-1 A;  
 Drawing - Reference No (or Description): AVA 6-1 B;  
 Drawing - Reference No (or Description): AVA 6-2;  
 Drawing - Reference No (or Description): AVA 6-3;  
 Drawing - Reference No (or Description): AVA 6-4;  
 Drawing - Reference No (or Description): AVA 6-4A;  
 Drawing - Reference No (or Description): AVA 6-4C;  
 Drawing - Reference No (or Description): AVA 6-4D;  
 Drawing - Reference No (or Description): AVA 6-5;  
 Drawing - Reference No (or Description): AVA 6-5A;  
 Drawing - Reference No (or Description): AVA 6-5B;  
 Drawing - Reference No (or Description): AVA 6-5C;  
 Drawing - Reference No (or Description): AVA 6-5D;  
 Drawing - Reference No (or Description): AVA 6-6;  
 Drawing - Reference No (or Description): AVA 6-6A;  
 Drawing - Reference No (or Description): AVA 6-6B;  
 Drawing - Reference No (or Description): AVA 6-6C;  
 Drawing - Reference No (or Description): AVA 6-6D;  
 Drawing - Reference No (or Description): AVA 6-7;  
 Drawing - Reference No (or Description): AVA 6-7A;  
 Drawing - Reference No (or Description): AVA 6-7C;  
 Drawing - Reference No (or Description): AVA 6-7D;  
 Drawing - Reference No (or Description): AVA 6-8;  
 Drawing - Reference No (or Description): AVA 6-8A;  
 Drawing - Reference No (or Description): AVA 6-11;  
 Drawing - Reference No (or Description): AVA 6-11A;  
 Drawing - Reference No (or Description): AVA 6-11B;  
 Drawing - Reference No (or Description): AVA 6-11C;  
 Drawing - Reference No (or Description): AVA 6-11D;  
 Drawing - Reference No (or Description): AVA 6-12;  
 Drawing - Reference No (or Description): AVA 6-12A;  
 Drawing - Reference No (or Description): AVA 6-12C;  
 Drawing - Reference No (or Description): AVA 6-12D;



Drawing - Reference No (or Description): AVA 6-32;  
 Drawing - Reference No (or Description): AVA 6-9;  
 Drawing - Reference No (or Description): AVA 8C;  
 Drawing - Reference No (or Description): AVA 6-12B;  
 Drawing - Reference No (or Description): AVA 6-13B;  
 Drawing - Reference No (or Description): AVA 6-15B;  
 Drawing - Reference No (or Description): AVA 6-17B;  
 Drawing - Reference No (or Description): AVA 6-19B;  
 Drawing - Reference No (or Description): AVA 6-33;  
 Drawing - Reference No (or Description): AVA 6-34;  
 Drawing - Reference No (or Description): AVA 6-35;  
 Drawing - Reference No (or Description): AVA 6-36;  
 Drawing - Reference No (or Description): AVA 6-37;  
 Drawing - Reference No (or Description): AVA 6-38;  
 Drawing - Reference No (or Description): AVA 6-39;  
 Drawing - Reference No (or Description): AVA 6-40;  
 Drawing - Reference No (or Description): AVA 6-41;  
 Drawing - Reference No (or Description): AVA 6-42;  
 Drawing - Reference No (or Description): AVA 6-47;  
 Drawing - Reference No (or Description): AVA 6-48;  
 Drawing - Reference No (or Description): AVA 6-49;  
 Drawing - Reference No (or Description): AVA 6-4B;  
 Drawing - Reference No (or Description): AVA 6-50;  
 Drawing - Reference No (or Description): AVA 6-51;  
 Drawing - Reference No (or Description): AVA 6-52;  
 Drawing - Reference No (or Description): AVA 6-53;  
 Drawing - Reference No (or Description): AVA 6-54;  
 Drawing - Reference No (or Description): AVA 6-55;  
 Drawing - Reference No (or Description): AVA 6-56;  
 Drawing - Reference No (or Description): AVA 6-7B; and  
 Drawing - Reference No (or Description): AVA 6-8B.

**Adjournment.**

The time being 12.50 p.m., the Panel agreed to adjourn.

**Resumption of meeting.**

The Panel resumed at 12.53 p.m.

- (5) **11/01569/APPM – GIRVAN – Proposed wind farm, Tralorg Hill, north from Pinmore –**  
 Erection of wind farm, permanent anemometer mast, temporary construction compound and formation of associated access tracks and ancillary infrastructure.

After the Panel heard from Councillor Oattes, local member he left the meeting.

Statements were read out by the Legal and Democratic Manager on behalf of Councillors Clark and McDowall, in their absence.

**Adjournment.**

The time being 1.35 p.m., the Panel agreed to adjourn.

**Resumption of meeting.**

The Panel resumed at 1.55 p.m.

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

- (a) 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 water environment to an extent that cannot be satisfactorily overcome or minimised. There are no over-riding reasons to depart from development plan policy;
- (b) 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 and representing ridgeline development within a 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 locality relative to a range of foothills on the edge of that Landscape Character Type, the development of which as proposed would have a detrimental overspill effect of the middle Dale, Lower Dale, Intimate Pastoral Valley, and which in its own right has an unacceptable detrimental impact on the character of the foothills landscape character type by reason of its scale and location;
- (c) 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 and also from consented but as yet to be erected individual turbines, 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;

- (d) that the application proposal is contrary policies ECON6, ECON7 E(3), ECON12 and ECON13 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3, TOUR1 and TOUR3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and 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;
- (e) that the application proposal is contrary to policies ECON6, ECON7 E (4) and 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, noise, 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; and
- (f) that the proposed development would be contrary to policies STRAT1, ENV6 and ECON7 of the Ayrshire Joint Structure Plan, policies STRAT5 and BE6 of the South Ayrshire Local Plan, and Scottish Planning Policy in that the proposal would have an unacceptable impact on the setting of Dinvin Motte and Dow Hill Fort Scheduled Ancient Monuments. There is no over-riding reasons to depart from development plan policy of government guidance in this instance.

**List of Determined Plans:**

Drawing - Reference No (or Description): 7423/LP/110A;  
 Drawing - Reference No (or Description): 7423/SL/111A;  
 Drawing - Reference No (or Description): 7423/SL/123A;  
 Drawing - Reference No (or Description): 7423\_CS\_C017A;  
 Drawing - Reference No (or Description): 7423\_CS\_C018A;  
 Drawing - Reference No (or Description): 7423\_CS\_C019A;  
 Drawing - Reference No (or Description): 7423\_SB\_C016A;  
 Drawing - Reference No (or Description): 7423\_TP\_C009A; and  
 Drawing - Reference No (or Description): CUMULATIVE TIP HEIGHT ZTV 2ND ADDENDUM.

**At this point, the time being 2.05 p.m., it was noted that the Panel would resume at 2.25 p.m. to consider the Licensing Applications.**

**4. Resumption of Meeting.**

The meeting resumed at 2.25 p.m.

**5. Declarations of Interest.**

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

**6. Update from Licensing Monitoring Officer.**

The Licensing Monitoring Officer advised

- (1) that she had recently been carrying out private hire and taxi booking office inspections and that all of these offices had complied with the licensing conditions;
- (2) that, as it was three years since these offices had initially been licensed, they were all requiring a renewal of their licence; and
- (3) that, in conjunction with Strathclyde Police and officers from other Council Departments, she was continuing to monitor taxis and private hire vehicles.

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

**(a) Taxi Drivers.**

- (i) The Panel considered the application from Allan Jardine Wilson.

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

- (ii) The Panel heard an observation from Strathclyde Police and from the applicant, Michael Stuart Holt, in response.

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

**8. Variation in order of business.**

The Panel agreed to vary the order of business as hereinafter minuted.

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

**(a) Taxi Drivers.**

- (i) The Panel heard an observation from Strathclyde Police and from the applicant, Enrico Antonio Cervi D'Ambrosio, in response.

**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 from the applicant, Anthony Crichton, in response.

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

**(b) Private Hire Drivers.**

- (i) The Panel heard Strathclyde Police with an observation and advising that, with regards to the pending case, the Procurator Fiscal had now decided to take no proceedings and the applicant, Darren Davidson, responded.

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

- (ii) The Panel heard Strathclyde Police with an observation and advising that, with regard to the pending case, the Procurator Fiscal had now dealt with this matter by means of an absolute discharge, and the applicant, Margaret McFadyen, responded.

**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 from the licence holder's representative in response in relation to the proposed suspension of the licence held by James T. Murphy.

Councillor McFarlane, seconded by Councillor Hunter, moved that the licence be suspended with immediate effect for its unexpired portion.

By way of Amendment, Councillor Goldie, seconded by Councillor Douglas, moved that consideration of this matter be continued to ascertain the outcome of the court case.

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 matter to a future meeting of this Panel to ascertain the outcome of the court case.

**(c) Late Hours Catering.**

Having heard the applicant's representative, the Panel considered the following three applications:-

**(i) SSP Air Limited For Starbucks, Terminal Building, Prestwick International Airport, Prestwick, KA9 2PL.**

**Decided:** to approve this application, the approved hours being every Monday to Sunday from 11.00 p.m. to 5.00 a.m., subject to standard conditions as previously agreed.

**(ii) SSP Air Limited For Food Village, International Departure Lounge, Prestwick International Airport, Prestwick, KA9 2PL.**

**Decided:** to approve this application, the approved hours being every Monday to Sunday from 11.00 p.m. to 5.00 a.m., subject to standard conditions as previously agreed.

**(iii) SSP Air Limited For Elvis Bar, International Departure Lounge, Prestwick International Airport, Prestwick, KA9 2PL.**

**Decided:** to approve this application, the approved hours being every Monday to Sunday from 11.00 p.m. to 5.00 a.m., subject to standard conditions as previously agreed.

**(d) Second Hand Dealer.****Transplant Life UK and Patricia Pollock for 12 Auchencar Drive, Kilmarnock, KA3 1PX.**

**Decided:** to note that this application had been withdrawn.

**10. Houses in Multiple Occupation Standards.****Aberley House, 14 Eglinton Terrace, Ayr.**

The Panel heard from the Policy Officer (Policy and Strategy) in relation to this application.

**Decided:** to approve this application for three years from 30th July 2012 on condition that six electrical sockets are fitted in each bedroom and living room of the accommodation by November 2014, in line with the Council's HMO licensing standards.

The meeting ended at 3.30 p.m.