

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 26th June 2013 at 10.00 a.m.

For Items 1 to 4:

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

Apology: Councillor Andy Campbell.

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; A. Browne, Supervisory Planner; D. Clark, Supervisory Planner; and J. McClure, Committee Services Officer.

For Items 5 to 8:

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

Apologies: Councillors Andy Campbell and Rita Miller.

Attending: C. Neillie, Solicitor; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

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

1. Declaration 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. Consultation Response to Scottish Government Energy Consent Unit: Proposed Wind Farm at Dersalloch, B741 Dalmellington Road, Straiton – Council Boundary, Straiton (Ref: 05/01209/DEEM).

Reference was made to the Minutes of 4th October 2012 (Page 467, paragraph 1) when it was agreed that this Council make an objection against an application made under Section 36 of the Electricity Act 1989 in relation to a proposed windfarm at Dersalloch, B741 Dalmellington Road, Straiton – Council Boundary, Straiton and there was submitted a report (issued) of June 2013 by the Executive Director – Economy, Neighbourhood and Environment ([link attached](#)) advising of information provided by the applicant, at the request of the Scottish Government's Energy Consents Unit, as a direct consequence of the objection by South Ayrshire Council.

Councillor McFarlane, seconded by Councillor Douglas, moved that, as the Panel was unable to conclude that the information submitted by the applicant on the impact of lighting on the Dark Skies Park would not have an adverse impact on the integrity of the Dark Skies Park and with the presumption against such developments, as outlined in the Local Development Plan, the Council should make an objection against this application made under Section 36 of the Electricity Act 1989 in relation to a proposed windfarm at Dersalloch, B741 Dalmellington Road, Straiton – Council Boundary, Straiton.

By way of Amendment, Councillor Hunter, seconded by Councillor Miller, moved that, in relation to this application under Section 36 of the Electricity Act 1989 for the construction and operation of a windfarm, there be no objection from this Council.

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

Decided: that, as the Panel was unable to conclude that the information submitted by the applicant on the impact of lighting on the Dark Skies Park would not have an adverse impact on the integrity of the Dark Skies Park and with the presumption against such developments, as outlined in the Local Development Plan, the Council should make an objection against this application made under Section 36 of the Electricity Act 1989 in relation to a proposed windfarm at Dersalloch, B741 Dalmellington Road, Straiton – Council Boundary, Straiton

3. Continued Planning Application: Erection of a wind turbine at Girvan Mains Farm, Girvan (Ref: 12/00340/APP).

Reference was made to the minutes of 8th November 2012 (Page 532, paragraph 1(1)) and there was submitted a report (issued) of June 2013 by the Executive Director – Economy, Neighbourhood and Environment ([link attached](#)) in relation to the erection of a wind turbine at Girvan Mains Farm, Girvan.

Councillors Clark, McDowall and Oattes addressed the Panel as Local Members and then withdrew from the meeting during consideration of this application.

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

- (1) that the proposed development is contrary to policy STRAT1 of the Ayrshire Joint Structure Plan by reason of it not respecting the landscape character of the area, and by reason of it resulting in visual damage or intrusion, all due to its size and position;
- (2) that the proposed development is contrary to policy ECON6 of the Ayrshire Joint Structure Plan by reason of it having a significant adverse impact on landscape character and local biodiversity, due to its size and position;
- (3) that the proposed development is contrary to policy ECON7 of the Ayrshire Joint Structure Plan by reason of there being unacceptable impacts on the Sensitive Landscape Character Area, impacts on the landscape, biodiversity and the area's designation for its local natural heritage value, all due to its size and position;
- (4) that the proposed development is contrary to policy ENV1 and ENV2 of the Ayrshire Joint Structure Plan, and Policy ENV8 of the South Ayrshire Local Plan by reason of it being visually intrusive due to its size and position;

- (5) that the proposed development is contrary to policy STRAT5 of the South Ayrshire Local Plan by reason of it not being appropriate in terms of scale in relation to its surroundings, by reason of it not safeguarding natural heritage resources, all due to its size and position;
- (6) that the proposed development is contrary to policy SERV3 of the South Ayrshire Local Plan by reason of it not being acceptable in terms of environmental impacts due to its size and position;
- (7) that the proposed development is contrary to policy ENV2 of the South Ayrshire Local Plan by reason of it not safeguarding the integrity of the provisional wildlife site, due to its size and position; and
- (8) that the proposed development is contrary to Scottish Planning Policy by reason of it not being appropriate in terms of landscape and visual impact, and the unacceptable cumulative landscape impact, all due to its size and position.

List of Determined Plans:

Drawing - Reference No: Location Plan;

Drawing - Reference No: Block Plan; and

Drawing - Reference No: Proposed Turbine Plan and Elevations.

4. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) **13/00528/APPM – GIRVAN – Land to north-east Ladywell Avenue, Girvan** ([link attached](#)) – Erection of 12 anaerobic digesters, 8 storage tanks, containment, associated plant and formation of associated access, hardstanding and landscaping.

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 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;

- (c) that the proposed access shall be constructed to Industrial Roads design criteria in accordance with the specifications in the Council's Roads Development Guide;
- (d) that junction access visibility sightline splays of 4.5 metres by 60 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (e) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (f) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating the largest size of vehicle expected to be used by or serve the development. The turning area shall be constructed as approved prior to the development being operational;
- (g) 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;
- (h) 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;
- (i) that all landscaping works shall be completed in accordance with the approved landscape drawings within a timescale to be approved in writing by the planning authority before any work commences on site. The landscaped area shall be retained to this approved standard;
- (j) 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 unless otherwise approved in writing by the planning authority; and
- (k) that a lighting strategy demonstrating how the lighting scheme will incorporate sustainable design and energy efficiency measures and minimise light spillage and pollution shall be submitted for the prior written approval of the planning authority before work commences on site.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (c) in the interest of road safety and to ensure an acceptable standard of construction;
- (d) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (e) in the interest of road safety and avoid the discharge of water on to the public road;
- (f) to reasonably avert the reversing of vehicles onto the main road and in the interests of road safety;
- (g) in the interest of road safety;

- (h) in the interest of road safety;
- (i) to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (j) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (k) in the interest of visual amenity and reducing light pollution.

Advisory Notes:

- West of Scotland Archaeology Service (WoSAS) advises that the developer should use a professional archaeological contractor to carry out the required investigations which have already been discussed with WoSAS and the developer's current chosen archaeological contractor. An informal list of archaeological contractors is available on the WoSAS web site www.wosas.net for the developer's use in securing the required investigations;
- that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site. In the interest of road safety and to ensure an acceptable standard of construction;
- 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 the Council will not adopt the road on its completion;
- 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; and
- please note that Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.

List of Determined Plans:

Drawing - Reference No (or Description): S-L(90)-032 location plan;
 Drawing - Reference No (or Description): S-L(90)-031 Existing – ownership;
 Drawing - Reference No (or Description): S-L(90)-030 existing layout;
 Drawing - Reference No (or Description): S-L(90)-020 REV B Yard and operations;
 Drawing - Reference No (or Description): S-L(90)-011 REV A phase 1 – sections;
 Drawing - Reference No (or Description): S-L(90)-010 REV B phase 1 – layout;
 Drawing - Reference No (or Description): S-L(90)-002 masterplan – sections;
 Drawing - Reference No (or Description): S-L(90)-001 REV C masterplan;
 Drawing - Reference No (or Description): L(0)08 operations building;
 Drawing - Reference No (or Description): 21306/LP/01 proposed landscape;
 Other - Reference No (or Description): ARCHAEOLOGY REPORT;
 Other - Reference No (or Description): DESIGN & ACCESS STATEMENT;
 Other - Reference No (or Description): LANDSCAPE REPORT (REV A);
 Other - Reference No (or Description): LANDSCAPING MANAGEMENT PLAN;
 Other - Reference No (or Description): PAC REPORT; and
 Other - Reference No (or Description): SUPPORTING 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) **13/00367APP – AYR – Cleansing Department, Walker Road ([link attached](#))** – Erection of welfare/office accommodation, formation of access, car parking and associated landscaping.

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 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
- (c) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (d) that existing junction access visibility sightline splays 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;
- (e) that a lockable and covered cycle stand accommodating a minimum of 5 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;
- (f) that notification of the use of cranes and associated equipment during construction phase shall be given to Prestwick Airport. For the avoidance of doubt the use of cranes and associated equipment requires to be granted permission in advance by the Airport if the crane is to be used within 6km of the aerodrome / airfield and its height exceeds 10m or that of the surrounding structures or trees;
- (g) that prior to commencement of any site works, the further investigation as suggested in the comprehensive contaminated land investigation report (Jacobs May 2010) submitted in the application shall be carried out and shall be submitted for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites- Code of Practice' (BS 10175: 2001). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33, to ensure potential risks arising from previous site uses have been fully assessed; and

- (h) remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority to ensure remedial works are carried out to the agreed protocol.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (b) in the interest of road safety and avoid the discharge of water on to the public road.
- (c) in the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off site car parking.
- (d) in the interest of road safety and to ensure acceptable visibility at road junctions.
- (e) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel.
- (f) in the interests of aviation safety.
- (g) to ensure potential risks arising from previous site uses have been fully assessed.
- (h) to ensure remedial works are carried out to the agreed protocol.

Advisory Notes:

- that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.
- the Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- the Council as Roads Authority advises that 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 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 access to the site shall be by way of an existing footway crossing, and any alterations to the footway crossing shall be in accordance with the Council's Road Development Guide.
- Network Rail advise that construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to the development. Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network rail Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a 'fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by possession which must be booked via Network Rail Asset Protection engineer and are subject to a minimum prior notice period for booking of 20 weeks. The developer must contact the Network Rail Asset Protection engineer at Buchanan House, 58 Port Dundas Road, Glasgow, G4 0LQ. Telephone 0141 555 4887 or email at assetprotectionscotland@networkrail.co.uk; and

- 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

List of Determined Plans:

Drawing - Reference No (or Description): (--)01 REV A Location Plan;
 Drawing - Reference No (or Description): (--)02 REV A existing site plan;
 Drawing - Reference No (or Description): (--)04 REV A proposed site plan;
 Drawing - Reference No (or Description): (2-)01 proposed ground floor;
 Drawing - Reference No (or Description): (2-)02 proposed first floor;
 Drawing - Reference No (or Description): (2-)03 proposed elevations;
 Drawing - Reference No (or Description): (2-)04 proposed section A-A;
 Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT; and
 Other - Reference No (or Description): GROUND INVESTIGATION

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) **13/00291/APP – AYR – 36 Parkview** ([link attached](#)) – Alterations and extension to dwellinghouse.

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

- 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; and
- that 3 off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to occupation of the development.

Reasons:

- to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- in the interest of road safety and to ensure adequate off-street parking provision.

List of Determined Plans:

Drawing - Reference No (or Description): S1;
 Drawing - Reference No (or Description): S2;
 Drawing - Reference No (or Description): S3; and
 Drawing - Reference No (or Description): S4.

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) **13/00564/APP – AYR – Braehead Primary School, Gould Street [\(link attached\)](#)** – Alterations to existing school, erection of entrance canopy, erection of various fencing, formation of additional car parking, hardstanding, external seating area, nursery playground and associated landscaping.

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 existing junction access visibility sightline splays 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;
- (c) that prior to completion of the development any gates shall open inwards away from the public roadway;
- (d) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (e) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan; and
- (f) 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.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (c) in the interest of road safety;
- (d) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (e) in the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off-site car parking; and
- (f) in the interest of road safety and avoid the discharge of water on to the public road.

Advisory Notes:

- 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 any alterations to the existing footway crossing require to comply with the specification issued by this Department; and
- that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.

List of Determined Plans:

Drawing - Reference No (or Description): 1576(0-)000;
 Drawing - Reference No (or Description): 1576(0-)001;
 Drawing - Reference No (or Description): 1576(0-)002;
 Drawing - Reference No (or Description): 1576(0-)003;
 Drawing - Reference No (or Description): 1576(0-)004;
 Drawing - Reference No (or Description): 1576(0-)005
 Drawing - Reference No (or Description): 1576(9-)006 - 1 OF 2;
 Drawing - Reference No (or Description): 1576(9-)009;
 Drawing - Reference No (or Description): 1576(9-)010;
 Drawing - Reference No (or Description): 1576(9-)011; and
 Drawing - Reference No (or Description): 1576L(0-)007

Reason for Decision:

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

- (5) **13/00570/APP – AYR – Alloway Primary School, 16 Doonholm Road [\(link attached\)](#)** – Erection of outdoor classroom.

Decided: to approve the application, subject to the condition 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.

Reason:

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): BP01;
Drawing - Reference No (or Description): LOC01; and
Drawing - Reference No (or Description): OC01

Reason for Decision:

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

- (6) **13/00593/APP – AYR – Craigie Estate, Craigie Road [\(link attached\)](#)** – Erection of sculpture.

Decided: to approve the application, subject to the condition 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.

Reason:

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): CPLA1;
Drawing - Reference No (or Description): CPLA2; and
Drawing - Reference No (or Description): CPLA3.

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) **13/00505/APP – AYR – 13 Seaforth Crescent** ([link attached](#)) – Formation of Vehicular access and erection of gates and fence.

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 a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site;
- (c) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 4.5 metres wide over its initial 2 metres, as measured from the rear of the public footway before development completion;
- (d) that junction access visibility sightline splays of 2 metres by 20 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;
- (e) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (f) that prior to completion of the development any gates shall open inwards away from the public roadway; and
- (g) that details of the materials for the parking area shall be submitted to and agreed by the Planning Authority, prior to commencement of work.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site;
- (c) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 4.5 metres wide over its initial 2 metres, as measured from the rear of the public footway before development completion;
- (d) that junction access visibility sightline splays of 2 metres by 20 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;
- (e) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

- (f) that prior to completion of the development any gates shall open inwards away from the public roadway; and
- (g) to ensure that materials are appropriate for the site and in the interests of visual amenity.

Advisory Notes:

- 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 access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development; 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): 1 MCLEAN.

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 12.15 p.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. Declaration of Interest.

Councillor Galbraith declared an interest in item 8(a)(iii) of this Minute as she was aware of the circumstances surrounding this matter.

7. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that she had recently been undertaking Taxi and Private Hire Vehicle inspections with officers from Police Scotland, Environmental Health and Fleet Management which had again proved very successful joint working;

- (2) that after inspecting eleven vehicles they had required to re-inspect four vehicles due to various issues such as fire extinguishers not being charged and requiring to be replaced; vehicles requiring valeting and washed; meters unsealed and various lights inoperative on vehicles; and that the officer from Fleet Management had also advised on tyres being close to the legal limit and brake pads close to the limit;
- (3) that she had also been visiting all town centre second hand dealers with the Community Police Officer to inspect records and to ensure that they were complying with their licensing conditions with visits to premises outwith the town centre also being planned; and
- (4) that she would continue to monitor Taxis and Private Hire Vehicles and all other Civic Government licences with other Council Departments and with Police Scotland.

Decided: to thank the Licensing Monitoring Officer for her update.

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

(a) **Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland and heard from the applicant, Joseph Martin Gordon, in response.

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

- (ii) The Panel heard an observation from Police Scotland and heard from the applicant, William Thomas Cullimore, in response.

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

- (iii) The Panel considered the proposed suspension of the licence held by Darren Latimer.

Decided: to continue consideration of this matter to a Special meeting of this Panel to be held on Monday, 15th July 2013 to allow the licence holder to attend.

(b) **Taxi Vehicles.**

The Panel considered the application from John Grigor.

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 Drivers.**

- (i) The Panel heard from the applicant, James King Murray, in relation to his application.

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

- (ii) Reference was made to the Minutes of 30th May 2013 (Page 380, paragraph 6(e)) when it had been decided to suspend the licence held by David Park with immediate effect as, in their opinion, in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public safety and the Panel then heard from the Legal Adviser to the Panel on this matter.

Decided: in the absence of the licence holder, to suspend the licence held by David Park with immediate effect for its unexpired portion, as, in their opinion, in terms of Paragraph 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, the licence holder is not a fit and proper person to hold the licence and is likely to cause undue public nuisance or a threat to public safety.

- (iii) The Panel heard an observation from Police Scotland and from the applicant, George Campbell Kiltie, in response.

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

The meeting ended at 2.20 p.m.