

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 2nd May 2013 at 10.00 a.m.

For Items 1 and 2:

- 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; A. Cooke, Supervisory Planner; and A. Gibson, Committee Services Officer.

For Items 3 to 9:

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Hugh Hunter, Nan McFarlane and Rita Miller.
- Attending: M. Douglas, Solicitor (Licensing); R. Howe, Fleet Manager; D. Woodward, Fleet Inspector; R. Cairns, Team Leader (Building Standards); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.
- Also Attending: Inspector D. McMurdo and Sergeant D. McIntosh, Police Scotland.
- In Attendance: B. Ferries, General Manager, Ayr Racecourse (for item 5 only); G. Steel, Stadium Manager, Ayr United Football Club (for item 6 only); and B. Kidd, St. Andrew's Ambulance Corps (for items 5 and 6 only).

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. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) 12/01055/APP – PINWHERRY – Little Pinmore Farm, A714 Pinmore Bridge – B734 North of Pinwherry –** Erection of wind turbine, substation and formation of associated access track and hardstanding.

The Panel noted

- that the applicant for a proposed wind turbine, substation and formation of associated access track and hardstanding at Little Pinmore (ref: 12/01055/APP) 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 the 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 24th April 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 as the 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.

The Panel noted that the status of the Proposed South Ayrshire Development Plan had altered as a result of the Council's approval of the Plan.

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-370-2030 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 future submissions and information requests on the same appeal:-

- (a) that the proposed development would be contrary to policies STRAT1, STRAT2, ECON6, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice. It is considered that due to the large size, prominent position and insensitive siting of the proposed wind turbine development, its impact on the skyline, the lack of backclothing, the wider visibility of the turbine and the absence of any mitigating landscape factors, that the proposed development is likely to have a significant adverse landscape and visual impact. The submitted documentation is not considered to be adequate in terms of the number and geographic spread of viewpoint locations. There are no over-riding reasons to depart from development plan policy or government policy and guidance;

- (b) that the proposed development would be contrary to policies STRAT1, STRAT2, ECON6, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice in that the proposed development, in combination with other wind turbine development, represents an undesirable visual extension of wind turbine development into a sensitive landscape character area and would have a cumulative and significant adverse effect on landscape character and visual amenity. The submitted documentation is not considered to be adequate in terms of the cumulative assessment methodology recommended by SNH. There are no over-riding reasons to depart from development plan policy or government policy and guidance;
- (c) that the proposed development would be contrary to policies STRAT1, ECON6, ENV1 and ENV6 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE6 and SERV3 of the adopted South Ayrshire Local Plan, Scottish Planning Policy, PAN2/2011 'Planning and Archaeology', Scottish Historic Environment Policy and 'Managing Change in the Historic Environment (Setting)' as the proposed development would have an adverse effect on cultural heritage, the historic landscape, and archaeological heritage resources. Specifically, due to scale, siting and design, the proposed turbine would be visible as a prominent and visually dominant new modern element in the landscape from both the Glake cup-marked standing stone and cairn site to the east of the turbine, and from the Bargain Hill fort to the west. The turbine would also be within the range of audible noise disturbance of the Glake Stone. Consequently the proposed turbine would have indirect impacts on the setting of these two highly significant cultural heritage assets. Furthermore, the potential adverse effects cannot be overcome or minimised to an acceptable degree. There are no over-riding reasons to depart from development plan policy or government policy and guidance; and
- (d) that the application proposal is contrary policies STRAT1, STRAT2, ECON6, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, STRAT5, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice in that, on the information available, it is considered to have an adverse landscape, visual and cumulative impact on the important tourism resource in the locality of the application site, specifically on the basis that the site is located within a 'sensitive landscape character area' which is identified as 'regionally significant tourist resource' in the AJSP Addendum. Furthermore, the proposal would adversely affect the setting of recognised core paths SA61 (Colmonell Bridge via Drumskeoch to the A714) and core path SA62 (Colmonell Bridge via Dalreoch to Pinwherry) in the Stinchar Valley with potential knock on effects on these routes as a valuable tourism and recreational resource. There are no over-riding reasons to depart from development plan policy or government policy and guidance.

It was further agreed that the undernoted draft conditions and advisory notes, be forwarded to the DPEA Reporter, as required by the planning appeals procedure, in the event that the appeal was allowed:-

- (a) that the development hereby permitted shall be begun within three years of the date of this permission.

Reason: 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) that the development hereby granted shall be implemented in accordance with the approved plan 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;

- (c) that planning permission for the wind turbine shall be for a maximum period of 25 years from the date of the erection of the wind turbine on site. The applicant shall confirm, in writing, to the Planning Authority the commencement date of the erection of the wind turbine under the consent hereby granted, prior to the implementation of the permission.

Reason: to define the duration of the planning permission;

- (d) that the wind turbine hereby granted planning permission shall be removed from the site and the use discontinued on or before the expiry of the 25 year consent. The applicant shall within one month of the expiry of the 25 year consent, submit details and a suitable timescale required for the reinstatement of the land for the written approval of the Planning Authority.

Reason: to protect landscape quality and to ensure the reinstatement of the site to a satisfactory standard;

- (e) that in the event that the wind turbine hereby granted planning permission becomes obsolete or redundant it shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

Reason: To protect landscape quality, and to ensure the reinstatement of the site to a satisfactory standard;

- (f) that a bond relating to the removal of the turbine and associated infrastructure and the restoration of the site (in accordance with the conditions of this consent), shall be submitted to, and approved in writing by, the Planning Authority before any work commences on site.

Reason: to protect landscape quality and to ensure the reinstatement of the site to a satisfactory standard;

- (g) that no work shall commence on the site until the applicant/developer has provided the Ministry of Defence and the Council, as Planning Authority, with a written statement with the following information:
- the date construction starts and ends;
 - the maximum height of construction equipment; and
 - the latitude and longitude of the turbines.

The Ministry of Defence contact details are as follows: Defence Estates, Operations North, Safeguarding Wind Energy, Kingston Road, Sutton Coalfield, B75 7RL telephone 0121 311 2195. The Defence Estate reference number is DE/C/SUT/43/10/1/17403.

Reason: to ensure that the Ministry of Defence is aware of the details of the development, in the interests of aviation safety;

- (h) that the wind turbine noise immission level, at a receiver height of 4m above ground level, up to wind speeds of 10 metres at 10 metre height:-
- during daytime (0700 to 2300) shall not exceed 35dB(A) LA90,10min or the measured LA90,10min (background) noise level plus 5dB(A), whichever is the greater, when measured at any point within 15m from any noise sensitive dwelling, where the occupier is not financially involved with the development;
 - during night time (2300 to 0700) value must not exceed 38dB(A) LA90,10min or the measured LA90,10min (background) noise level plus 5dB(A), whichever is the greater when measured at the nearest noise sensitive dwelling, where the occupier is not financially involved with the development; and
 - in the case of properties where the occupier has some financial involvement in the wind turbine, the noise limits may be increased to the higher of 45 dB LA90,10min or 5dB above the prevailing background noise level for both daytime and night-time. It should be noted that this may result in annoyance and nuisance to the occupiers.

Reason: to avoid noise disturbance in the interests of residential amenity;

- (i) that if the final turbine selected has a sound power level above that of the candidate turbine (one Enercon E48 0.8MW wind turbine, hub height 60 metres) a new noise assessment shall be submitted for the prior written approval of the planning authority before commencement of the installation.

Reason: to avoid noise disturbance in the interests of residential amenity;

- (j) that measures to ensure the safety of otters and badgers entering the site shall be submitted for the prior written approval of the planning authority before any work commences on site.

Reason: in the interests of wildlife protection and in order to retain proper control over the development proposal;

- (k) that soil or vegetation clearance work (including the access and cabling route work) shall be carried out outwith the main bird breeding season (i.e. outwith April to July inclusive). If this is not possible, an ornithologist shall be engaged to survey the ground immediately prior to such works to advise the developers of any bird nesting activity, the precise outcomes of which shall be submitted for the prior written approval of the Planning Authority before work commences on site.

Reason: in the interests of wildlife protection and in order to retain proper control over the development proposal;

- (l) that the applicant/developer shall be responsible for the acquisition and maintenance of all land required adjacent to the public road to allow the passage of abnormal loads whose swept path cannot be contained within the existing road widths. Any extension to the public road area shall be built to the specification provided by the Council and shall be left in place when work is complete.

Reason: in the interests of road safety;

- (m) that the applicant / developer shall, in consultation with the Roads Authority carry out video surveys of any South Ayrshire Council's roads which they propose to use to access the development before and after construction. The survey shall be made available to the Roads Authority and shall form the basis for establishing any extraordinary reinstatement costs resulting from damage due to abnormal traffic conditions and/or loading associated with the development of the site. The applicant shall be liable for the costs of these works.

Reason: in the interests of road safety;

- (n) that the applicant / developer shall, in consultation with South Ayrshire Council's Structures section, carry out any before and after construction inspection surveys deemed necessary for any structures which are the responsibility of South Ayrshire Council Structures Section. The before and after surveys shall form the basis for establishing any reinstatement costs for damage due to abnormal traffic conditions and /or loading associated with the development of the site. The applicant shall be liable for the costs of these works.

Reason: in the interests of road safety;

- (o) that the applicant / developer shall, prior to the movement of any abnormal loads, submit a Transport Management Plan to the Roads Authority and Strathclyde Police. The plan shall describe the methodology for the movement of abnormal loads to the site and shall require the agreement of the Roads Authority and Strathclyde Police prior to any movement of abnormal loads associated with the site.

Reason: in the interests of road safety;

- (p) that the infrastructure required to link the turbines to the National Grid shall be buried underground to the satisfaction of the Planning Authority. Full details of the route of all cabling and details of all restoration works shall be submitted for the written approval of the Planning Authority prior to the commencement of works on site.

Reason: to protect landscape quality and ensure the satisfactory restoration of the land;

- (q) that the wind turbine shall be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

Reason: in the interest of aviation safety;

- (r) that prior to the installation of the turbine, the company shall commission a survey measuring existing television reception quality, which shall be submitted to the Planning Authority. In the event that the development is found to cause interference to television reception in the vicinity, following a complaint made to the Planning Authority within two years of the final decommissioning of development, the company shall take whatever action is deemed necessary to remedy such impairment and alleviate the problem to the satisfaction of the planning authority.

Reason: to minimise interference to television reception.

- (s) that full details and specifications of the siting, design and external finish of the proposed substation building shall be submitted for the prior written approval of the Council as planning authority before any work commences on site.

Reason: in order to retain proper control over the development proposal; and

- (t) that a construction statement that describes the method and timing of the construction works, including the formation of access tracks, works to connect the turbines to the National Grid and proposals for safeguarding all important natural heritage features, shall be submitted to and approved in writing by the Planning Authority.

Reason: to protect landscape quality.

Advisory Notes:

- 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;
- the Council, as Roads Authority, reserves the right to reclaim any extraordinary maintenance costs which may be incurred as a result of this development under Section 96 of the Roads (Scotland) Act 1984. As such, the developer will require to enter into a formal agreement with the Council as Roads Authority indicating their acceptance of such liability under a Section 96 Agreement;
- the applicant/developer shall contact the relevant Ports Authority with regard to the import of components in order to identify appropriate delivery routes to the site; and
- the applicant/developer is advised to contact Transport Scotland where proposed access routes utilise Trunk Roads.

List of Plans:

Drawing - Reference No (or Description): APP-001 Location Plan;
 Drawing - Reference No (or Description): APP-002 Site Plan (1 of 2) 1:200;
 Drawing - Reference No (or Description): APP-003 Site Plan (2 of 2) 1:200;
 Drawing - Reference No (or Description): APP-100 Turbine Elevations;
 Drawing - Reference No (or Description): C0143-1087.5 landscape designations;
 Drawing - Reference No (or Description): C0456-108. 7.10C Viewpoint 1;
 Drawing - Reference No (or Description): C0456-108. 7.11A,B Viewpoint 2;
 Drawing - Reference No (or Description): C0456-108. 7.12A,B Viewpoint 3;
 Drawing - Reference No (or Description): C0456-108. 7.13A,B Viewpoint 4;
 Drawing - Reference No (or Description): C0456-108. 7.14AA,B Viewpoint 5;
 Drawing - Reference No (or Description): C0456-108. 7.3A Detailed Tip Height ZTV;
 Drawing - Reference No (or Description): C0456-108. 7.6A Cumulative Basemap;
 Drawing - Reference No (or Description): C0456-108.7.4 Landscape Character Map;
 Drawing - Reference No (or Description): C0456-108.7A Cumulative ZTV's;
 Drawing - Reference No (or Description): CO456-108. 7.1 Tip Height ZTV;
 Drawing - Reference No (or Description): CO456-108. 7.2 Hub Height ZTV;
 Drawing - Reference No (or Description): FIGURE 10.01 Hydrological Context of;
 Other - Reference No (or Description): ENVIRONMENTAL REPORT; and
 Other - Reference No (or Description): INDEX OF FIGURES.

- (2) **13/00031/PPP – AYR – Plot 9 - The Citadel, Esplanade** – Planning permission in principle for the proposed erection of a care home.

The Panel noted that the status of the Proposed South Ayrshire Development Plan had altered as a result of the Council's approval of the Plan.

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

- (a) that full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Advisory Notes (1a) and (1b) of this planning permission;
- (b) that this planning permission in principle, subject to the specified planning conditions, relates to the plan(s) as listed below;
- (c) that the style, design and external finish of the proposed development shall reflect the characteristics of the Citadel flatted development to the north of the application site. For the avoidance of doubt, the frontage of the proposed development shall follow the building line outlined on drawing number GB 9334/P/02;
- (d) that at the Approval of Matters Specified in Conditions stage, a comprehensive contaminated land investigation shall be submitted. 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;
- (e) that where the risk assessment identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the formal prior written approval of the Council as Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority;
- (f) 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;
- (g) that the presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;

- (h) that intrusive investigation works recommended within the Report on the Mineral Position shall be undertaken prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works shall also be undertaken prior to commencement of development;
- (i) that the finished ground floor level of the residential care home building shall be 5.5 m AOD;
- (j) 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. At the Approval of Matters Specified in Conditions stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (k) that general ground levels shall be finished in a way to prevent ponding of surface water within the site where it could increase the risk of flooding of properties and that water resistant materials and forms of construction are used as appropriate and as outlined in PAN69. At the Approval of Matters Specified in Conditions stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (l) that 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;
- (m) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (n) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (o) that junction access visibility sightline splays of 4.5 metres by 35.0 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;

- (p) that a lockable and covered cycle stand 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;
- (q) that Glasgow Prestwick Airport shall be notified of the use of cranes and associated equipment during the construction phase 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;
- (r) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m². The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within six months / 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;
- (s) a landscape bond relating to the landscaping scheme for this development proposal, shall be approved under condition 18 of this decision notice, shall be submitted to, and approved in writing by, the Planning Authority before any work commences on site;
- (t) that at the Approval of Matters Specified in Conditions stage, a Design Statement shall be submitted together with evidence that the submitted scheme satisfies the requirements of the Council's supplementary planning guidelines on open space and designing new residential developments; and
- (u) the site shall be used solely for the use applied for (Care home). The use of the site for any other purpose, including another purpose in Class 8 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order, 1997, shall require to be the subject of a further planning application to and approved by this Planning Authority.

Reasons:

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006. In order to retain proper control over the development proposal;
- (b) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc. (Scotland) Act 2006;
- (c) in the interests of visual amenity and townscape quality;
- (d) to ensure potential risks arising from previous site uses have been fully assessed;
- (e) to ensure the proposed remediation plan is suitable;
- (f) to ensure remedial works are carried out to the agreed protocol;
- (g) to ensure all contamination within the site is dealt with;
- (h) to demonstrate that the application site is, or can be made, safe and stable for the proposed development;
- (i) in order to minimise the risk to the development from flooding;
- (j) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (k) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained, in order to ensure the development is protected against flooding in an acceptable manner;
- (l) in the interest of road safety and to ensure adequate off-street parking provision;
- (m) in the interest of road safety and to avoid the discharge of water on to the public road;
- (n) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (o) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (p) to ensure adequate provision of lockable and covered cycle storage on site and to encourage sustainable means of travel;
- (q) in the interests of aviation safety;
- (r) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (s) to ensure that the site is adequately landscaped, in the interests of amenity;
- (t) in the interests of the proper planning of the area, design quality and to ensure that the requirements of supplementary planning guidelines are satisfied; and
- (u) to retain control over future changes of use, in the interests of the proper planning of the area.

Advisory Notes:

- the Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer;
- the Council as Roads Authority advises that 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 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 access to the site shall be by way of a footway crossing, in accordance with the Council's Roads Development Guide and any redundant footway crossing shall be reinstated to adjacent footway line and level before completion of the development; and
- please note that Construction Consent from the Roads Authority will be required for the formation of any new road and that traffic calming measures will be required. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.

List of Determined Plans:

Drawing - Reference No (or Description): GB 9334/9/02 Proposed Site Plan;
 Drawing - Reference No (or Description): GB 9334/P/001 Location Plan;
 Other - Reference No (or Description): CONTAMINATION REPORT Part 1 of 3;
 Other - Reference No (or Description): CONTAMINATION REPORT part 2 of 3;
 Other - Reference No (or Description): CONTAMINATION REPORT part 3 of 3;
 Other - Reference No (or Description): FLOOD RISK ASSESSMENT;
 Other - Reference No (or Description): GROUND INVESTIGATION REPORT;
 Other - Reference No (or Description): SUSTAINABILITY REPORT;
 Other - Reference No (or Description): SUPPORTING STATEMENT Current application; and
 Other - Reference No (or Description): SUPPORTING STATEMENT Previous permission.

Reason for Decision:

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

At this point, the time being 11.10 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

3. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

4. 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.

5. Annual Inspection, Regulated Stands, Ayr Racecourse.

There was submitted a report (issued) of 5th April 2013 by the Executive Director - Economy, Neighbourhood and Environment advising of the outcome of the technical inspections of the Club and Eglinton Stands at Ayr Racecourse and reporting on issues arising since the last Annual Inspection.

The Panel heard

- (1) B. Kidd from St. Andrew's Ambulance Corps advise that she had no adverse comments and convey her gratitude for the assistance she had received from the officers at Ayr Racecourse;
- (2) the Team Leader – Building Standards advise that Police Scotland, Scottish Fire and Rescue, Scottish Ambulance Service and the Council's Building Standards Service and Environmental Health Service had no adverse comments; and
- (3) the General Manager, Ayr Racecourse in response who outlined his thanks to all officers for their assistance.

Decided: to note the contents of the report and to agree that the Safety Certificates should remain in force.

6. Safety of Sports Grounds Act 1975 - Annual Inspection, Somerset Park, Ayr.

There was submitted a report (issued) of 5th April 2013 by the Executive Director – Economy, Neighbourhood and Environment advising of the outcome of the technical inspections of Somerset Park, Ayr in respect of the Safety of Sports Grounds Act 1975 and reporting on issues arising since the last Annual Inspection.

The Panel heard

- (1) a representative from St. Andrew's Ambulance Corps advise that, having met with an officer from Ayr United, it had been agreed that the first aid room would be fully stocked and operational by the start of the next football season and she conveyed her gratitude at the assistance she had received from the officers at Somerset Park;
- (2) the Team Leader – Building Standards advise
 - (a) that he was seeking an undertaking that various matters would be resolved, namely
 - (i) a number of the required Certificates, Surveys and Reports were still awaited;
 - (ii) the emergency generator was found to be inoperative and had now been repaired, however, upgrading works were required to the automatic start-up connection;
 - (iii) the steelworks in the main stand and two covered enclosures required repainting; and
 - (iv) the First Aid Room was in a relatively poor condition and required upgrading;
 - (b) that it should be noted that all asbestos roof sheeting in the Main Stand and two covered standing enclosures had now been replaced, with the exception of some sheets on the reverse slope of the "Railway End" enclosure; and
 - (c) that Police Scotland, Scottish Fire and Rescue, Scottish Ambulance Service and the Council's Building Standards Service and Environmental Health Service had no adverse comments; and
- (3) the Stadium Manager, Ayr United outline
 - (a) that he had liaised with the Structural Engineer who was carrying out the surveys in the next seven days and the subsequent reports would then be submitted to Building Standards;
 - (b) that the five year electrical certificate for the stadium was due to expire this month and, having been advised that the entire stadium would require rewiring, this would include work to the generator to ensure that it operated as an emergency back up should the power fail, with the work commencing early June and taking approximately two weeks;
 - (c) that Ayr United would be working closely with and taking advice from the Team Leader – Building Standards with regards to the future maintenance plans;

- (d) that B. Kidd had spoken with Directors of the Club regarding the first aid room to ascertain what was required and this would be carried out before the start of the season.

Following a question from a Member regarding equipment in the first aid room, the Stadium Manager advised that St. Andrews Ambulance Corps provided their own defibrillator, stretchers, etc., however, it was a requirement that all Scottish Football Clubs held a defibrillator in-house which Ayr United complied with.

Decided:

- (i) to note the contents of the report; and
- (ii) to agree that the General Safety Certificate should remain in force on condition that any outstanding items were satisfactorily concluded by 14th July 2013.

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

(a) Taxi Drivers.

- (i) The Panel heard from the applicant, Arnold O'Hara, in relation to his application.

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

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

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 heard from the applicant, Robert James McConnachie, in response.

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

- (iv) Reference was made to the Minutes of 21st March 2013 (Page 268, paragraph 7(a)(i) when it had been decided, in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow the applicant, Allan Jardine Wilson, to attend.

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

- (v) The Panel heard an observation from Strathclyde Police and heard from the applicant, Darren Latimer, in response.

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

- (vi) The Panel heard an observation from Strathclyde Police and heard from the applicant, Alexander Brown McCutcheon, in response.

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

8. 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.

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

(a) Taxi Vehicles.

- (i) The Panel heard an observation from Strathclyde Police in relation to the application from Alexander Brown McCutcheon.

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

At this point the Officers of Police Scotland left the meeting as they had no comments to make on any of the remaining items on the agenda.

- (ii) The Panel considered the proposed suspension of the licence held by Robert Dorans.

Decided: in the absence of the licence holder, to continue consideration of this matter to a future meeting of this Panel.

- (iii) The Panel heard from the Licensing Monitoring Officer, the Fleet Manager and the licence holder in response and considered the proposed suspension of the licence held by Joseph Thomson.

Decided: that the licences not be suspended but that the licences should be varied so that the vehicles are to be tested every four months.

- (iv) The Panel heard from the Licensing Monitoring Officer, the Fleet Manager and the licence holder in response and considered the proposed suspension of the licence held by Thomas Campbell Clark.

Decided: that the licences not be suspended but that the licences should be varied so that the vehicles are to be tested every four months.

- (v) Reference was made to the Minutes of 6th December 2012 (Page 45, paragraph 4(b)) when it had been decided that the licences held by John Grigor not be suspended but that the licences should be varied so that the vehicles are to be tested every four months and the Panel then heard from the Licensing Monitoring Officer, the Fleet Manager and from the licence holder's representative in response. The Panel then adjourned for consideration of this matter.

Upon reconvening, Councillor Miller, seconded by Councillor McFarlane, moved that the licences be suspended.

By way of Amendment, Councillor Goldie, seconded by Councillor Hunter, moved that the licences be suspended with immediate effect.

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

Decided: to suspend the four licences held by John Grigor for the unexpired portion of their duration on the grounds that he is not or is no longer a fit and proper person to hold the licences, the carrying out of the activity to which the licences relate has caused or is likely to cause a threat to public safety and a condition of the licences has been contravened.

- (vi) The Panel heard from the Licensing Monitoring Officer and considered the proposed suspension of the licence held by Elizabeth McSorley.

Decided: in the absence of the licence holder, to suspend the licence held by Elizabeth McSorley with immediate effect for its unexpired portion as a condition of the licence had been contravened.

(b) Private Hire Vehicle.

The Panel heard from the Licensing Monitoring Officer and considered the proposed suspension of the licence held by Angela O'Brien.

Decided: in the absence of the licence holder, to suspend the licence held by Angela O'Brien with immediate effect for its unexpired portion as a condition of the licence had been contravened.

(c) **Booking Offices.**

(i) **8ees Cabs and Ian McKillops.**

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

(ii) **Hannah's Taxis and Roberta Fisher.**

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

(iii) **Gribbens Taxis Limited and Lawrence Houston.**

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

(d) **Street Trader.**

Lynda Forrest for Online Ticket Purchase for T in the Park Festival at Ayr Central Shopping Centre, High Street, Ayr.

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

Decided: to approve this application for Saturday, 18th May 2013 between 10.00 a.m. and 3.00 p.m.

The meeting ended at 3.35 p.m.