

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 30th May 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 Rita Miller.

Apology: Councillor Nan McFarlane.

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

For Items 4 to 6:

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie and Rita Miller.

Apologies: Councillors Hugh Hunter and Nan McFarlane.

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

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

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 May 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 (New Road, Ayr) (Waiting and Loading Restrictions) (Civil Enforcement) Order 2013 ([link attached](#));
- (2) South Ayrshire Council (Greenfield Avenue, Ayr) (Waiting Restrictions) (Amendment) Order 2013 ([link attached](#));

- (3) South Ayrshire Council (Ayr Town Centre) (Parking Places) (Civil Enforcement) (Amendment No.1) (Electric Vehicle Charging Point) (Parking Places) Order 2013 ([link attached](#)); and
- (4) South Ayrshire Council (A70 Ayr to Edinburgh road at Old Toll, Ayr) (40 mph Speed Limit) Order 2013 ([link attached](#)).

Clarification was sought and provided with regard to the Order detailed at (3) above.

Decided: to approve the making of the above-named Orders detailed at (1) to (3) above and that the Order detailed at (4) above be approved, subject to no consultation responses being received by 1st June 2013.

3. **Applications for Planning Permission.**

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

The Panel decided as follows:-

- (1) **12/01457/PPPM – AYR – Neptune Works, West Sanquhar Road ([link attached](#))** – Planning permission in principle for the erection of a residential development and associated works.

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 (i)(A) and (i)(B) 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 approval is given in principle for residential development broadly in accordance with the principles of the submitted masterplan, subject to approval of applications for matters specified in conditions. For the avoidance of doubt it is noted that the masterplan is indicative and represents broad principles only in terms of greenspace, access and approach to layout. At the detailed application stage it is recognised that the layout will also be informed by other influences including detailed site investigation, remediation, residential unit type and density;
- (d) that application(s) for approval of matters specified in conditions shall:-
 - make provision for future vehicle / pedestrian and cycle connection to the west of the site (West Sanquhar Avenue, West Sanquhar Road, Northfield Avenue, Cambuslea Road and Rosslyn Place) and shall not be laid out in a manner which is prejudicial to achieving such connection. It is considered essential that there be at least one vehicle connection to the west and several pedestrian and cycle connections;

- make provision for future pedestrian and cycle connection to the north and east (Lochside Road, Murray Place, Whittle Road and McColgan Place) and care taken that the site is not laid out in a manner which is prejudicial to achieving such connection; and
 - make provision for at least two pedestrian / cycling connections to Lochside Road to the east and ensure that the development has the frontages of residential property fronting on to it;
- (e) that application(s) for approval of matters specified in conditions shall fully reflect the requirements of development plan and government policy including 'Designing Places' and 'Designing Streets' together with the Council's supplementary Planning Guidelines on 'Open Space and Designing New Residential Developments' and 'New Housing Developments and affordable Housing';
- (f) a target of 25% Affordable Housing shall be provided in accordance with South Ayrshire Local Plan Policy H13, Supplementary Guidance on New Housing Developments and Affordable Housing and the two approved Council Planning Response to Economic Downturn reports dated 17th March 2009 and 19th April 2011;
- (g) that application(s) for approval of matters specified in conditions shall include appropriate flood management measures and flood proofing and resilient measures to help manage any residual flood risk. These measures shall be prepared in consultation with SEPA and the Council as flood prevention authority under the Flood Risk Management (Scotland) Act 2009. . SEPA has noted that lower risk development (roads or open space) would follow the route of the existing culvert. Flooding flow paths, flood proofing and resilience measures should be used where appropriate to help manage any residual flood risk;
- (h) 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;
- (i) 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;

- (j) 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;
- (k) 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;
- (l) 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;
- (m) that the application(s) for approval of matters specified in conditions shall include a detailed construction traffic management plan and this shall be approved by the Planning Authority prior to the commencement of the development;
- (n) that the applicant shall ensure that private driveways are surfaced for a minimum distance of 2 metres as measured from the edge of the proposed public road areas. Gates, if any, must open away from the proposed public road areas;
- (o) that lockable and covered cycle stand accommodating a minimum of 1 space per 2 no. flatted dwellings shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for approval to the Council as Roads and Planning Authority at submission of the first Application for Approval of Matters Specified in Conditions;
- (p) that a residential travel pack, the details of which shall be submitted for approval to the Council as Roads and Planning Authority at submission of the first Application for Approval of Matters Specified in Conditions and shall be placed in each new residential unit prior to occupation;
- (q) that the proposed single access point shall be constructed in accordance with the specifications as set out in paragraph 5.1.3 of the Council's Roads Development Guide, and be a minimum of 7.3 metres wide with associated strengthened footways to carriageway construction with footway surfacing, before occupation of the first dwellinghouse;
- (r) that the access road shall be designed to adoptable standards in accordance with Designing Streets / the Council's Roads Development Guide, as appropriate, before occupation of the first dwellinghouse. The precise details and specifications of the access road shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

- (s) that junction access visibility sightline splays of 2.5 metres by 35 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;
- (t) that adequate off-street parking spaces shall be provided within the curtilage of the site in accordance with Table 7.3 of the Roads Development Guide;
- (u) 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;
- (v) no work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details submitted to and approved by the Planning Authority prior to its installation if required for that phase. When required such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality;
- (w) 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;
- (x) that bin collection points shall be located a maximum of 15 metres from the public carriageway before completion of the development. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (y) that prior to occupation of the development any gates shall open inwards away from the public roadway;
- (z) the applicant shall make provision of suitable traffic calming measures on the existing residential roads of East Park Road, Teviot Street and Tweed Street prior to the occupation of the development. Precise details and specifications of the required traffic calming measures shall be submitted with the first application for approval of matters specified in conditions. The approved traffic calming measures shall be implemented prior to work commencing on the application site;
- (aa) that prior to the commencement of the development hereby permitted, a detailed plan of public access over the site - as existing, during construction and after completion of the development - shall be submitted to, and approved in writing by, the planning authority, such plan to identify:
 - all existing paths, tracks and rights of way and any areas of land currently outwith or excluded from statutory access rights, under part 1 of the Land Reform (Scotland) Act 2003;
 - any areas of land proposed for exclusion from statutory access rights after construction of the development, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
 - all paths and tracks proposed for construction, for use by walkers, cyclists, horse riders etcetera; and

- any paths proposed for diversion - whether temporary or permanent - for the purposes of facilitating the development.

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

- (bb) that the movement strategy and road layout shall primarily accommodate the movement of vehicles (including service vehicles) through all parts of the development in a forward gear and seek to minimise the use of cul-de-sacs and turning areas. Applications for Approval of Matters Specified in Conditions shall include details of service vehicle movement routes and where necessary the design and specification of turning areas capable of allowing service vehicles to turn within site boundaries. Turning areas shall be in accordance with the Council's Roads Development Guide and shall be constructed as approved prior to the development being occupied;
- (cc) that the housing development shall comply with the Council's Supplementary Planning Guidance (SPG) 'Open Space and Designing New Residential Developments'. At the Approval of Matters Specified in Conditions stage detailed supporting information illustrating compliance with this SPG shall be submitted for the approval of the Planning Authority;
- (dd) that at the application for approval of matters specified in conditions stage, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. In addition, the scheme of landscaping shall be suitably secured by the provision of a landscape bond, or other means to be submitted for the prior written approval of the Planning Authority before any work commences on site. The landscape scheme shall specify the detailed timetable for implementation. The open space / landscaped areas shall be retained as open space and to the approved standard. For the avoidance of doubt the landscape scheme shall include; suitable compensatory tree planting for existing trees to be felled, substantial public open space and a minimum of two play areas potentially split into areas for toddlers and older children. Consideration regarding the proximity of these areas to SUDS should clearly set out with particular regard to child safety;
- (ee) that precise details and specifications of all above ground infrastructure and utility structures (e.g. power, water and telecommunications) shall be submitted for the prior written approval of the Planning Authority before erection or installation of any structures on site;
- (ff) the proposed development may introduce a noise sensitive development to an area affected by noise from the adjacent freight railway. Application(s) for approval of matters specified in conditions shall include a noise impact assessment which determines the impact of noise from the above source on the new development. In terms of Planning Advice Note 1/2011 (PAN) a noise impact assessment shall be carried out in accordance with the principals outlined in Technical Advice Note (TAN) Assessment of Noise. All Noise sensitive receptors in the high and medium category (table 2.1 TAN) shall be identified and the level of significance determined. Maximum Target Noise Levels to be used in the determination:-

- LAEQ16hrs 40dB (0700-2300) internal noise level;
- LAEQ 8hrs 30dB (0700-2300) internal noise level;
- LAMAX 45dB (2300-0700) internal noise level; and
- LAEQ 16hrs 50dB (0700-2300) outside amenity space.

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open; and

- (gg) due to the close proximity of the railway account shall be taken of the guidance given in BS6472:1992. Evaluation of human response to vibration in buildings. Application(s) for approval of matters specified in conditions shall include an assessment by a competent person to demonstrate compliance with the required guidance.

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) to clarify the terms of the permission, to recognise the broadly acceptable principles established in the masterplan and to give adequate flexibility to accommodate change;
- (d) in the interests of urban design quality and the proper planning of the area. In order to secure 'permeability' which is the characteristic of being able to move easily through a development and the surrounding area. With regard to Lochside Road, to ensure that the development has the frontages of residential property fronting on to it to ensure that the development is not inward facing, builds in a sense of welcome on to the route and to enhance natural surveillance;
- (e) in order to retain proper control over the development in the interests of development quality;
- (f) to ensure an acceptable provision of affordable housing. This brownfield site has significant remediation costs associated with its development, which cannot be fully known until there is further intrusive site investigation works undertaken and a detail residential design layout produced, which will be required at the 1st Approval of matters specified in conditions stage. It is recognised that the remediation costs associated to bring this site to the required residential standard may have an impact on the development viability and therefore will determine the level of affordable housing contribution the site can sustain therefore flexibility must be maintained to ensure the redevelopment of this former industrial site within a residential area;
- (g) in order to ensure that appropriate flood management measures are in place;
- (h) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (i) to ensure potential risks arising from previous site uses have been fully assessed;
- (j) to ensure the proposed remediation plan is suitable;
- (k) to ensure remedial works are carried out to the agreed protocol;
- (l) to ensure all contamination within the site is dealt with;
- (m) in the interest of road safety;

- (n) in the interest of road safety;
- (o) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel;
- (p) for the purpose of encouraging sustainable travel;
- (q) in the interest of road safety and to ensure an acceptable standard of construction;
- (r) in the interest of road safety and to ensure an acceptable standard of construction;
- (s) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (t) in the interest of road safety and to ensure adequate off-street parking provision;
- (u) in the interest of road safety and avoid the discharge of water on to the public road;
- (v) in the interest of road safety;
- (w) in the interest of road safety;
- (x) in the interest of road safety;
- (y) in the interest of road safety;
- (z) for the purposes of road safety and functional operation of the local road network;
- (aa) to ensure adequate provision for public access and active travel across the site and into the wider path network, in the interests of amenity and the proper access planning of the area;
- (bb) to enable service vehicles to enter and leave the site in a forward gear in the interests of road safety;
- (cc) to comply with Local Plan policies and Supplementary Planning Guidelines and in the interests of the proper planning of the area;
- (dd) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality. To ensure that the site is adequately landscaped, in the interests of amenity;
- (ee) in the interests of the proper planning of the area and to ensure that this infrastructure is carefully sited and designed to minimise visual and landscape impact;
- (ff) to avoid noise disturbance in the interests of residential amenity; and
- (gg) to ensure that the issue of potential vibration in proximity to the railway line is satisfactorily addressed.

Advisory Notes:

- (i) Network Rail has advised of the following with regard to this development proposal:-
 - (A) uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development);
 - (B) the railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent undue interaction between site occupiers and the railway. If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. A 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence is recommend. Network Rail's existing boundary measure must not be removed without prior permission. A condition relating to this is also included;

- (C) the proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary;
 - (D) any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence;
 - (E) 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 their 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's 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 a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks; and
 - (F) the developer should contact the Asset Protection Engineers regarding the above matters; Network Rail Asset Protection Engineer, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0LQ, Tel: 0141 555 4887, email - AssetProtectionScotland@networkrail.co.uk;
- (ii) the Council as Environmental Health Authority has advised that in order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken. If you have any queries regarding this you may wish to contact Brian Seditas on 01292 616399;
 - (iii) 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;
 - (iv) the Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant - including any relevant road signs and markings;

- (v) 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;
- (vi) 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;
- (vii) the Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. No later than 1 month after completion of the development, unless an alternative time period is approved, a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority. The requirement to complete a Road Safety Audit includes a requirement to address the recommendations contained within the audit report;
- (viii) any signage associated with introduction or alteration of roads infrastructure requires to be approved by Roads Authority and paid for by the developer; and
- (ix) 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): 7860_110 Location Plan;
 Drawing - Reference No (or Description): 7860_101 Site Plan;
 Other - Reference No (or Description): 7860_106 Design Concept;
 Other - Reference No (or Description): PRE APPLICATION CONSULT REPORT;
 Other - Reference No (or Description): PLANNING REPORT;
 Other - Reference No (or Description): MASTERPLAN REPORT;
 Other - Reference No (or Description): INFRASTRUCTURE AND UTILITIES;
 Other - Reference No (or Description): DRAINAGE ASSESSMENT REPORT;
 Other - Reference No (or Description): SUMMARY MINING REVIEW;
 Other - Reference No (or Description): TRANSPORT ASSESSMENT;
 Other - Reference No (or Description): OUTLINE REMEDIATION STRATEGY 1;
 Other - Reference No (or Description): OUTLINE REMEDIATION STRATEGY 2;
 Other - Reference No (or Description): SI _WATER ENV ASSESSMENT 1; and
 Other - Reference No (or Description): SI _WATER ENV ASSESSMENT 2;

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.

- (2) **13/00312/APP – TROON – Royal Troon Golf Club, 2 Craigend Road ([link attached](#))** – Alterations including engineering and landscaping works to golf course (9th green/10th tee).

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) the proposed works shall not take place during the main bird breeding season (March to June inclusive) to the satisfaction of the Planning Authority;
- (c) that the proposed changes to holes 9th and 10th on the Championship Course at Royal Troon Golf Club shall be undertaken as detailed in the documents compiled by STRI and submitted in support of this application on 19th March 2013:-
 - Rapid Biodiversity Assessment for the Golf Course - Royal Troon Golf Course;
 - Tree Woodland Survey Report - Royal Troon Golf Course - 20th Feb 2012;
 - Ecological Best Practice Management Plan - Royal Troon Golf Course; and
 - Translocation Plan - Royal Troon Golf Course;

- (d) a bird Mitigation Plan in accordance with Civil Aviation Authority, Civil Aviation Publication 772 (CAA CAP 772), to minimise the site's attractiveness to birds whilst works are being carried out, for the proposed development shall be submitted to the Planning Authority for their consideration and prior written approval prior to the commencement of works of site;
- (e) that no clearance of trees shall take place during the main bird breeding season (March - June inclusive). If work is required during this period the applicant shall submit a survey, prior to the commencement of works of site, that inspects any possible/existing nesting areas, for the consideration and prior written approval of the Planning Authority;
- (f) that details of all changes in ground levels and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's 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 a 'possession' which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks; and
- (g) that notification of the use of cranes and associated equipment (as per Article 55 of the ANO) during construction phase shall 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. Contact Glasgow Prestwick Airport for more information at either on 01292 511120 or at Aviation House, Prestwick, Ayrshire, Scotland KA92PL or www.glasgowprestwick.com.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to prevent the harm of nesting animals in the interests of protecting the environment;
- (c) to ensure the proposed works are carried out correctly and the proposed methodologies are followed in terms of safeguarding the environment;
- (d) to ensure the developer considers the potential increase in birds during the approved works and incorporates measures to minimise the attractiveness to birds whilst the works are being carried out in terms of aerodrome safety;
- (e) to prevent the harm of wild birds in the interests of protecting the environment;
- (f) in terms of network rail safety; and
- (g) in terms of aerodrome safety.

Advisory Notes:

- 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; and

- please note 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; and
- 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 their development. The developer must contact our Asset Protection Engineers regarding the proposed development using the contact details below:

Network Rail Asset Protection Engineer
 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0LQ
 Tel: 0141 555 4887
 email - AssetProtectionScotland@networkrail.co.uk

List of Determined Plans:

Drawing - Reference No (or Description): APPLICATION BOUNDARY PLAN;
 Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): SITE PLAN;
 Drawing - Reference No (or Description): EXISTING SITE LEVELS;
 Drawing - Reference No (or Description): BORROW AREAS (10TH HOLE);
 Drawing - Reference No (or Description): IRRIGATION PLAN;
 Drawing - Reference No (or Description): PROPOSALS 9TH GREEN AND 10TH TEE;
 Drawing - Reference No (or Description): PROPOSED LEVELS;
 Drawing - Reference No (or Description): SECTIONS (9TH GREEN & 10TH TEE);
 Other - Reference No (or Description): BIODIVERSITY REPORT;
 Other - Reference No (or Description): ECOLOGICAL BEST PRACTICE Management Plan;
 Other - Reference No (or Description): TRANSLOCATION PLAN; and
 Other - Reference No (or Description): TREE/WOODLAND SURVEY.

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.

- (3) **13/00290/APP – MAYBOLE – 22 High Street ([link attached](#))** – Change of use and alterations to shop to form extension to existing restaurant.

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): 506/01; and
Drawing - Reference No (or Description): 506/02.

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) **13/00317/APP – GIRVAN – 9 Bridge Street ([link attached](#))** – Alterations and change of use of existing retail unit to form hot food takeaway and installation of flue.

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 notwithstanding the plans hereby approved, no permission is granted for the installation of an external flue; and
- (c) that the operation of the premises is limited to enclosed unit cooking only. Precise details and specifications of the arrangements for enclosed cooking shall be submitted for the formal prior written approval of the Planning Authority before the use 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; and
- (c) in order to prevent the occurrence of a smell nuisance.

List of Determined Plans:

Drawing - Reference No (or Description): 484/01;
 Drawing - Reference No (or Description): 484/02;
 Drawing - Reference No (or Description): 484/03;
 Drawing - Reference No (or Description): 484/04; and
 Drawing - Reference No (or Description): 484/05

Reason for Decision:

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

At this point, the time being 11.45 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

4. Resumption of Meeting.

The meeting resumed at 2.00 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. Civic Government (Scotland) Act 1982 - Licences.**(a) Taxi Drivers.**

- (i) Reference was made to the Minutes of 2nd May 2013 (Page 327, paragraph 7(a)(iv)) 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 to attend and, following deliberation on whether to determine the application at this time, the Panel agreed to consider this application.

The Panel then heard from Police Scotland in relation to the application from Allan Jardine Wilson.

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

- (ii) The Panel heard an observation from Police Scotland and heard from the applicant, John David Freeburn, in response.

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

(b) Taxi Vehicles.

- (i) Reference was made to the Minutes of 2nd May 2013 (Page 328, paragraph 9(a)(ii)) when it had been decided, in the absence of the licence holder, to continue consideration of this matter to a future meeting of this Panel and the Panel now heard from the Licensing Monitoring Officer and from the licence holder Robert Dorans, who advised that he would surrender his licence.

Decided: to note that Robert Dorans would surrender his licence to the Licensing Section and that no further action would be taken.

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

Decided: that the licence not be suspended but that it should be varied so that the vehicle is to be tested every four months.

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

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

(c) Private Hire Driver.

The Panel heard an observation from Police Scotland and heard from the applicant, William McKean, in response.

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

(d) **Late Hours Catering.**

Shahid Mahmood for 9 West Portland Street, Troon.

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

Decided: to approve this application, the approved hours being every Monday to Thursday from 11.00 p.m. to 1.00 a.m.; every Friday and Saturday from 11.00 p.m. to 3.00 a.m.; and every Sunday from 11.00 p.m. to 1.00 a.m., subject to standard conditions as previously agreed.

(e) **Private Hire Driver.**

In the absence of the licence holder, the Panel heard an observation from Police Scotland in relation to the proposed suspension of the licence currently held by David Park.

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.

The meeting ended at 2.45 p.m.