

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 19th June 2014 at 10.00 a.m.

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Cavana, Ian Douglas, Ann Galbraith, William J. Grant, Sandra Goldie and Hugh Hunter.

For Items 1 to 5:

Attending: C. Cox, Planning Manager; W. Carlaw, Democratic Governance Manager; M. McClelland, Planning Co-ordinator; A. Browne, Supervisory Planner; J. Esslemont, Strategic Planner; and A. Gibson, Committee Services Officer.

Also attending: G. Fiddes and G. Senior, Ayrshire Roads Alliance.

For Items 6 to 14:

Attending: M. Douglas, Solicitor (Licensing); C. McMenemy, Legal Co-ordinator; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

Also Attending: D. MacKintosh, Solicitor; and K. Anderson, Private Sector and Landlord Registration Officer (for item 14 only).

In Attendance: Inspector S. Mangan, Constable. R. Paterson 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. Minutes of previous meeting.

The Minutes of 29th May 2014 (issued) ([link attached](#)) were submitted and approved.

3. Order Under the Road Traffic Regulation Act 1984.

There was submitted a report (issued) ([link attached](#)) of 4th June 2014 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to make an Order under the Road Traffic Regulation Act 1984, namely "South Ayrshire Council (Disabled Persons' Parking Places) Order 2014".

Clarification was sought and provided with regard to the consultation that had been undertaken and the difference between yellow painted disabled bays and white painted disabled bays.

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

4. **Application to construct and operate under Section 36 of the Electricity Act 1989 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations - the proposed Glenmount Wind Farm, west of Loch Doon (Ref: 14/00076/DEEM).**

There was submitted a report (issued) ([link attached](#)) of June 2014 by the Executive Director – Economy, Neighbourhood and Environment

- (1) advising
 - (a) that this Council had been consulted by the Scottish Government, under section 36 of the Electricity Act 1989, on an application by RWE NRL, the UK subsidiary of RWE Innogy for the erection of a windfarm and associated ancillary development at Glenmount, west of Loch Doon; and
 - (b) that this Council was not the determining authority for this proposal; and
- (2) recommending a response to the Scottish Government, as detailed in the report.

Clarification was sought and provided with regard to the effect the proposal would have on the Dark Skies Project and the apparent conflicting views on the proposal from the Ministry of Defence and Prestwick Airport.

Decided: that the Council submits this report as an objection to the Scottish Government in respect of the application to construct and operate under Section 36 of the Electricity Act 1989 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations at Glenmount, west of Loch Doon, subject to delegation being given to the Executive Director – Economy, Neighbourhood and Environment to submit a further response ensuring that the interests of Dark Skies Project were protected.

5. **Applications for Planning Permission.**

There were submitted reports (issued) of June 2014 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) **13/01310/APP –PINWHERRY– Breaker Hill** – Erection of windfarm and associated works ([link attached](#)).

Having heard from Councillor Oattes, Local Member, regarding the application, he withdrew from the meeting.

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

- (a) that the proposed development is contrary to policies ECON6 and ECON7 of the Ayrshire Joint Structure Plan and the AJSP Addendum on Windfarms in that the site is located outwith the Areas of Search for windfarms in the development plan and the development proposal has adverse effects on tourism and leisure interests, residential amenity, sensitive landscape character areas (including cumulative impacts) and to an extent that cannot be satisfactorily overcome or mitigated. There are no over-riding reasons to depart from development plan policy;
- (b) that the proposed development would be contrary to policies STRAT1, ECON6, ECON7 F and G, ENV1, ENV2 and ENV4 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8, ENV10 & SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice in that it would have a direct and significant impact on the sensitive landscape and scenic qualities of the area and the potential adverse effects cannot be satisfactorily addressed. Specifically the application proposes a windfarm development breaking the skyline within a landscape character type which is not considered as a suitable search area for windfarms on landscape character grounds. The location of the site is at an important convergence of the Assel, Duisk and Stinchar Valleys and forms part of a range of hills which contribute to the setting of those valleys and which provide a clear ridge and separation between the coast, the plateau moorlands and forested foothills beyond;
- (c) that the proposed development would be contrary to policies ECON6, ECON7 D and ENV4 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy Advice in that the proposed development, in combination with other windfarms, would have a cumulative and significant adverse effect on landscape character and visual amenity. There are no over-riding reasons to depart from development plan policy or government policy and guidance;
- (d) that the application proposal is contrary policies ECON6, ECON7 E(3) and ECON12 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice in that, on the information available, it is considered to be likely to have an adverse impact on the tourism resource in the locality of the application site which includes its high scenic value. There are no over-riding reasons to depart from development plan policy or government policy and guidance; and
- (e) that the application proposal is contrary to policies ECON6, ECON7 E (4) & G of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms and policy STRAT5 and BE1 of the adopted South Ayrshire Local Plan by reason of the potential detrimental impact on residential amenity of communities and dwellings within the locality due to the scale, visual dominance and proximity of the wind turbines. The applicant has not demonstrated that the impact will be acceptable. There are no over-riding reasons to depart from development plan policy.

List of Determined Plans:

Drawing - LOCATION PLAN;

Other – Environmental Statement Volume 1 Non technical Summary;

Other – Environmental Statement Volume 2 Main text;

Other – Environmental Statement Volume 3 Figures; and

Other – Environmental Statement Volume 4 Appendices.

- (2) **14/00314/MSCM – MAYBOLE — Dalquharran Castle – Ruin, C29 Dailly Road, Maybole – South via Ruglen and Wallacetown – B741 North of Dailly, south from Maybole** – Application for approval of matters specified in conditions of planning permission Ref: 04/00165/OUT ([link attached](#)).

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 before any work commences on site a suitably scaled block layout plan showing:-
 - (i) existing ground levels;
 - (ii) proposed ground levels; and
 - (iii) finished floor levels of each proposed dwellinghouse shall be submitted for the prior written approval of the Council as Planning Authority;
- (c) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (d) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;

- (e) that before any works start on site, 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 the / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;
- (f) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (g) that before any works start on site, the developer shall institute an accurate survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of all trees. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority;
- (h) that prior to commencement of any site works, a comprehensive contaminated land investigation 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;
- (i) 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;

- (j) 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;
- (k) that bin collection points shall be located a maximum of 15 metres from the public carriageway before occupation 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;
- (l) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site;
- (m) 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;
- (n) that notwithstanding the plans hereby approved, the location of dwellinghouse plots 39-42 inclusive are not hereby approved. Plots 39-42 shall be relocated within the application site boundary, the location of which and consideration of, shall be through the submission of a new MSCM application for those 4 dwellings;
- (o) that before any works commence on site, details shall be submitted for the prior written approval of the Planning Authority, of a lighting plan, including the design and specification for any lighting of road and footways;
- (p) that prior to any works commencing on site, a phasing plan shall be submitted for the prior written approval of the planning authority. That phasing plan shall identify the fractional housing. Thereafter development shall accord with the phasing plan as approved;
- (q) that a landscaping bond relating to the landscaping scheme, to be approved under the terms of conditions of this planning permission shall be submitted for the prior written approval of the Planning Authority and agreed before any work commences on site.

- (r) that the occupancy of the dwellings shall be tied to membership of the associated golf course, to the satisfaction of the Planning Authority;
- (s) that the plots for fractional houses shall be identified prior to the commencement of development and shall thereafter be used only in conjunction with the proposed hotel and shall not be occupied by person(s) as a full time or main residence to the satisfaction of the planning authority; and
- (t) that construction work shall be kept outside of the main bird breeding season (April - July inclusive). Should works commence during breeding season, then a nest survey shall be carried out by a suitably qualified person and appropriate mitigation measures put in place.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties;
- (c) in the interests of visual and residential amenity;
- (d) in the interests of visual amenity;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (f) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (g) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (h) to ensure potential risks arising from previous site uses have been fully assessed;
- (i) to ensure the proposed remediation plan is suitable;
- (j) to ensure all contamination within the site is dealt with;
- (k) in the interest of road safety;
- (l) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (m) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (n) in the interest of visual amenity and to protect the setting of, and approach to, Dalquharran castle;
- (o) in the interest of visual amenity and to reduce light pollution;
- (p) in the interests of visual amenity and to retain proper planning control over the phasing of development;
- (q) to ensure that the required landscaping scheme is implemented in the interests of visual amenity and sustainable development;
- (r) to ensure that the golf course and dwellings are tied together in compliance with the terms of planning permission 04/0165/OUT as amended;
- (s) in the interests of the proper planning of the area; and
- (t) to ensure compliance with the Conservation (natural Habitats _c) Regulations 1994 and the Wildlife and Countryside Act 1981 as amended by the (Scotland) Act 2004.

Advisory Notes:

The applicant is advised that, if the proposals hereby approved are altered in any way, for example as a result of obtaining any of the other statutory consents or for any other reason, they should so inform the Planning Authority and submit copies of the amended proposals in order that a view may be taken as to whether the alterations are material or not and whether a fresh application will be required.

Network Rail:

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.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details: Network Rail Asset Protection Engineer , Buchanan House, 58 Port Dundas Road, Glasgow, G4 0LQ. Tel: 0141 555 4887. Email: AssetProtectionScotland@networkrail.co.uk.

The Coal Authority:

The Coal Authority recommends that the applicant liaises with our Permitting Department, on 01623 637 339, in regards to the treatment of shallow mine workings and the recorded mine entries. Furthermore, it is recommended that The Coal Authority is consulted by the Building Standards Officer on any subsequent building warrant application.

In the interests of public safety The Coal Authority also recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice.

The Coal Authority advises:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place;

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards. Your attention is drawn to The Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

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. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Advice of SEPA:

Foul Drainage:-

To comply with The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR), the discharge of foul drainage must be authorised by SEPA. Further details on this matter can be found on our website www.sepa.org.uk.

Based on current foul drainage proposals, SEPA would be unlikely to authorise the sewage disposal arrangements as proposed.

The applicant should investigate the possibility of connecting foul drainage arising from the site to the public sewerage system in Dailly. If connection to the public sewer is fully demonstrated as being unfeasible, then SEPA would expect a holistic approach to be taken with regard to effluent disposal with the avoidance of a proliferation of smaller discharges.

The preference would be for one sewage treatment plant serving the entire development discharging to the Water of Girvan. This watercourse is classified as a sensitive water body under the Urban Waste Water Treatment Directive and it is likely there would be a requirement for nutrient removal from and additional treatment of the effluent.

The sewage effluent disposal arrangements proposed are inappropriate for various reasons. Open swales are not an appropriate means of conveying sewage effluent. Neither would it be acceptable for discharges being taken to very small watercourses or to a body of standing water.

Engineering Works on the Water Environment:-

The applicant should contact our local operations team regarding any proposals to undertake alterations to or works on the bank or bed of the watercourse (including the creation of ponds, bridges, culverts and bank protection) as this may constitute an activity which requires to be authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

Dalquharran Minewater Discharge:-

In SEPA's response to the outline planning application for this development in 2004, we expressed concern regarding the potential interruption or interference to the Dowhail Syphon which could lead to serious pollution in the Water of Girvan downstream of the site. As no further information on this aspect of the development has been provided, SEPA's concerns regarding this issue remain unaddressed and again I would refer you to our 2007 response for further details.

It is noted in the Planning Statement, Section 4.25, that grouting of any areas affected by past coal mining areas is to be undertaken. SEPA would normally require a groundwater risk assessment to be undertaken for PFA grouting of mine workings in line with CAR-GBR16 (outlined in SEPA guidance document CAR- A Practical Guide).

The applicant should contact our local office to discuss our requirements in relation to these issues.

Detailed advice for the applicant:-

Please note our comments above, particularly in relation to our ongoing concerns regarding foul drainage, engineering works and Dalquharran minewater. We strongly recommend early contact with the local operations team in the Ayr office (details below).

Regulatory advice for the applicant:-

Regulatory requirements: Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: 31 Miller Road, Ayr, KA7 2AX. Tel: 01292 294000.

List of Determined Plans:

Drawing - Reference No (or Description): 5314/C/REV A Location Plan;
 Drawing - Reference No (or Description): 2006/219/SI/R/F/01 Site Location Plan;
 Drawing - Reference No (or Description): RESIDENTIAL OUTLINE MASTERPLAN;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 01;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 02;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 03;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 04;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 05;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 06;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 07;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 08;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 09;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 10;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 11;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 12;
 Drawing - Reference No (or Description): LANDSCAPE PLAN 13;
 Drawing - Reference No (or Description): 5285/C/01 proposed Lodge L1,L2;
 Drawing - Reference No (or Description): 5285/C/02 Proposed Lodge L3, L4, L5;
 Drawing - Reference No (or Description): 5285/C/03 Proposed House Plot 41;
 Drawing - Reference No (or Description): 5285/C/04 Plot 40, 49 55;
 Drawing - Reference No (or Description): 5285/C/05 Plot 2,4,5,6, 58;
 Drawing - Reference No (or Description): 5285/C/06 Plot 3, 7, 8;
 Drawing - Reference No (or Description): 5285/C/07 Plot 1, 42;
 Drawing - Reference No (or Description): 5285/C/08 Plot 39;
 Drawing - Reference No (or Description): 5285/C/09 Plot 9, 31;
 Drawing - Reference No (or Description): 5285/C/10 Plot 38;
 Drawing - Reference No (or Description): 5285/C/11 Plot 32;
 Drawing - Reference No (or Description): 5285/C/12 Plot 59;
 Drawing - Reference No (or Description): 5285/C/13 Plot 56 57 60;
 Drawing - Reference No (or Description): 5285/C/14 Pl.16,22,26,35,47,48,54;
 Drawing - Reference No (or Description): 5285/C/15 Pl 10-12,17,18,23,27,34;
 Drawing - Reference No (or Description): 5285/C/16 Pl 13,14,19,29, 30;
 Drawing - Reference No (or Description): 5285/C/17 Plot 15;
 Drawing - Reference No (or Description): 5285/C/18 Plot 37;
 Drawing - Reference No (or Description): 5285/C/19 Plot 20,21, 24,44,46;
 Drawing - Reference No (or Description): 5285/C/20 Plot 28, 43, 45;
 Drawing - Reference No (or Description): 700 Landscape Section;
 Drawing - Reference No (or Description): 701 Landscape Section;
 Drawing - Reference No (or Description): EC21007 Access Roads;
 Drawing - Reference No (or Description): EC21007:52:001 Drainage Scheme;
 Drawing - Reference No (or Description): EC21007:95:002 Roads Layout;
 Drawing - Reference No (or Description): EC21007:95:051 Roads Section;
 Drawing - Reference No (or Description): EC21007:95:052 Roads Section;
 Drawing - Reference No (or Description): EC21007:95:053 Roads Section;
 Drawing - Reference No (or Description): EC21007:95:054 Roads Section;
 Drawing - Reference No (or Description): EC21007:95:055 Roads Section;
 Drawing - Reference No (or Description): EC21007:95:056 Roads Section; and
 Drawing - Reference No (or Description): EC21007:95:100 Road Construction.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of planning permission 04/0165/OUT, as amended by planning permission 07/01389/FUL, 07/01511/OUT and 11/00020/FURM, and subject to appropriate conditions there is no significant adverse impact on the amenity of the neighbouring land and buildings.

- (3) **13/01394/APPM and 13/01395/LBC – AYR – Belleisle House Hotel, Belleisle Park, Doonfoot Road** – Alterations and extension to hotel including spa/gym/function suite and additional bedrooms, formation of roof deck and terrace, access ramp, associated landscaping and car parking and reconfiguration of site access ([link attached](#)).

Decided:

- to approve planning application (Ref: 13/01394/APPM), subject to the following conditions:-
 - (a) that the development hereby permitted shall be begun within three years of the date of this permission;
 - (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
 - (c) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
 - (d) that 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 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;

- (e) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (f) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2005 Trees in relation to Construction, to the satisfaction of the Planning Authority;
- (g) that compensatory replanting of all trees to be felled shall be undertaken on a 2:1 basis. Details of the size, species and location of the replacement tree(s) shall be agreed with the Local Planning Authority in writing before commencing the work permitted, and shall be planted within the first planting season following the completion or occupation of the development, whichever is the sooner;
- (h) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;
- (i) that the operation of this facility shall not result in an increase of more than 5dB(A) between the existing background noise level (LA90 (1 hour)) and the rating level (LArTr) where Tr = 1 hour daytime and 5 minutes night time (Measured as per BS 4142;1997). For the avoidance of doubt BS4142;1997 defines the rating level (LAr Tr) as being the specific noise level LAeq, Tr plus any adjustments for the characteristic features of the sound as detailed in Section 8.2 of the British Standard. An assessment of the existing background noise level carried out by a suitably qualified acoustic consultant or other competent person shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (j) a profiler, traffic loops, counter cabinet, post, batteries, connectors & solar panel at the Estate access road on to Doonfoot Road shall be provided before development completion. Precise details of the siting and specifications of the count site shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site;

- (k) that prior to the completion of the development hereby approved, appropriate signage and lining shall be provided in order to improve single track vehicle movements over the narrow listed bridge structure in the vicinity of the site entrance before development completion. All signage and lining will require to be compliant with the Traffic Signs Regulations and General Directions 2002 (TSRGD 2002). The precise details and specifications of the required mitigation shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (l) that the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development, to the satisfaction of the Council as Planning Authority prior to development completion;
- (m) that within 6 months of development completion a Travel Plan, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car;
- (n) that the access road shall be improved in accordance with a scheme to be agreed with the Council, as estate owners, and implemented to the satisfaction of the Planning Authority prior to the operation of the extended hotel;
- (o) that 21 off road parking spaces shall be provided within the application site boundary for exclusive use by development patrons, 4 of which shall be designated disabled parking bays. Prior to the operation of the development hereby approved, an additional 123 spaces to the existing general Estate parking available to accommodate development trip numbers at peak periods of demand, of which 7 spaces shall be designated disabled bays. The usage of these 123 spaces shall be as per the details of any agreement reached between the applicant and the Council, as mentioned within the comments above;
- (p) that parking bays shall be a minimum 4.8 metres x 2.4 metres with minimum aisle widths of 6 metres;
- (q) 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 service vehicles. The turning area shall be constructed as approved prior to the development being occupied;
- (r) 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; and

- (s) that lockable and covered cycle stands accommodating a minimum of 18 cycles shall be provided within the site boundaries before development completion. Precise details of the siting and specifications of the required cycle stands shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to safeguard the character and appearance of the listed building;
- (d) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (e) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (f) in the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (g) in the interests of visual amenity and to safeguard the designed landscape;
- (h) in order to ensure that no damage is caused to the existing trees during development operations;
- (i) in order to prevent noise nuisance;
- (j) in the interest of managing traffic generated by the Estate and in the interest of road safety;
- (k) or the purposes of road safety and functional operation of the local road network.
- (l) in the interest of road safety;
- (m) to encourage sustainable means of travel;
- (n) in the interest of road safety;
- (o) in the interest of road safety and to ensure adequate off-street parking provision;
- (p) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (q) to enable service vehicles to enter and leave the site in forward gear and in the interests of road safety;
- (r) in the interest of road safety; and
- (s) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel.

- to approve listed building consent application (Ref.13/01395/LBC) subject to referral of the application to Historic Scotland and the following conditions:-
 - (a) that the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent;
 - (b) that the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority; and
 - (c) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.

Reasons:

- (a) to be in compliance with section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) to safeguard the character and appearance of the listed building.

Advisory Notes:

- (i) 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.
- (ii) 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.
- (iii) 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.

- (iv) The applicant / developer shall, in consultation with Ayrshire Roads Alliance, carry out any before and after construction inspection surveys deemed necessary for any structures which are the responsibility of South Ayrshire Council. 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/surveys.
- (v) The applicant / developer shall submit a Transport Management Plan to the Roads Authority describing the methodology for the movement of construction traffic both to/from the site and within the site, and shall require the agreement of the Roads Authority prior to any work commencing on site.

List of Determined Plans:

Drawing - Reference No (or Description): A10-943A-EX-00 REV:A;
 Drawing - Reference No (or Description): A10-943A-EX-01;
 Drawing - Reference No (or Description): A10-943A-EX-02;
 Drawing - Reference No (or Description): A10-943A-EX-03;
 Drawing - Reference No (or Description): A10-943A-EX-04;
 Drawing - Reference No (or Description): A10-943A-EX-05;
 Drawing - Reference No (or Description): A10-943A-EX-10 REV:A;
 Drawing - Reference No (or Description): A10-943A-EX-20;
 Drawing - Reference No (or Description): A10-943A-PR0-00 REV:A;
 Drawing - Reference No (or Description): A10-943A-PR13;
 Drawing - Reference No (or Description): A10-943A-PR14;
 Drawing - Reference No (or Description): A10-943A-PR15;
 Drawing - Reference No (or Description): A10-943A-PR16;
 Drawing - Reference No (or Description): P1344.01;
 Drawing - Reference No (or Description): A10-943A-PR-01 REV:A;
 Drawing - Reference No (or Description): A10-943A-PR-02 REV:A;
 Drawing - Reference No (or Description): A10-943A-PR-03 REV:A;
 Drawing - Reference No (or Description): A10-943A-PR-04 REV:A;
 Drawing - Reference No (or Description): A10-943A-PR-05 REV:A;
 Drawing - Reference No (or Description): A10-943A-PR-06;
 Drawing - Reference No (or Description): A10-943A-PR-20; and
 Drawing - Reference No (or Description): A10-943A-PR11 REV:A.

Reason for Decision:

- 13/01394/APPM. The development hereby approved is considered to accord with the provisions of the development plan in that it offers significant benefits for economic growth and the wider community.
- 13/01395/LBC. The development hereby approved is considered to accord with the provisions of the development plan in that it offers significant benefits for economic growth and the wider community.

- (4) **14/00536/APP- AYR – 25 Kilbrandon Crescent** – Alterations and extension to dwellinghouse ([link attached](#)).

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, all proposed materials to be used on external surfaces shall match the existing dwellinghouse to the satisfaction of the Planning Authority; and
- (c) that the existing off road parking provision shall be retained within the curtilage of the donor property.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to ensure that materials are appropriate for the site and in the interests of visual amenity; and
- (c) in the interest of road safety and to ensure adequate off-street parking provision.

Advisory Notes:

- (i) 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.
- (ii) 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.
- (iii) 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): LOCATION PLAN;
Drawing - Reference No (or Description): 153-01; and
Drawing - Reference No (or Description): 153-02(A).

Reason for Decision:

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

At this point, the time being 12.30 p.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

6. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

7. 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.

8. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that she continued to monitor all Civic Government Licences which included Taxi and Private Hire Vehicles and Drivers, Taxi Booking Offices, Street Traders, Late Hours Catering, Market Operators, Second Hand Car Dealers, Second Hand Dealers, Metal Dealers, Public Entertainment, Piercing and Tattooing and Knife Dealers; and
- (2) that the emphasis was presently on Late Hours Catering Licences due to the ownership of a number of premises changing recently and the licences not being transferrable, therefore, the new operators required to apply for licences before they could open beyond 11.00 p.m.

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

9. Review of Metered Taxi and Private Hire Fares.

Reference was made to the Minutes of 1st May 2014 (Page 19, paragraph 10) when it had been agreed

- (1) to approve the proposed maximum fares; and
- (2) to advertise the proposed fare structure in the local press to allow interested parties to make representation in terms of Section 17 of the Civic Government (Scotland) Act 1982 and to request a further report to a future meeting of this Panel following publication of the proposed fares,

there was submitted a report (issued) of 3rd June 2014 by the Executive Director – Resources, Governance and Organisation

- (a) seeking approval to set the metered fares for taxis and private hire vehicles; and
- (b) advising that the appropriate advertisement had been placed in the local press inviting representations on the proposals, however, no representations had been received.

Decided:

- (i) to approve the metered fares for taxi and private hire vehicles, with effect from 1st August 2014, as follows:-

<u>Unit</u>	<u>Charge</u>
Distance not exceeding 1180 yards or for a time not exceeding 4 minutes 40 seconds	£2.80
Each additional 80 yards or 24 seconds	£0.10
Night-time charge per hire (midnight to 6 a.m.)	£1.00
Each completed period of 48 seconds	£0.20
Fouling charge	£60.00
Christmas and New Year (from 9.00 p.m. on 24th December to 6.00 a.m. on 27th December and from 9.00 p.m. on 31st December to 6.00 a.m. on 3rd January)	X1.5 metered fare
6/7/8 seater vehicles - where 6, 7 or 8 passengers are carried, an enhanced charge; and	X1.5 metered fare

- (ii) that the fares for the shared hire of metered vehicles and all other charges in connection with the shared hire of metered vehicles, or with the arrangements for their shared hire, should not be greater than those above.

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

(a) **Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland and from the applicant, Alastair Kidd, in response.

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

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

Councillor Douglas, seconded by Councillor Campbell, moved that this application be approved for three years.

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

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

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

- (iii) The Panel heard an objection from Police Scotland and from the applicant, Douglas Reid in response.

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

- (iv) The Panel heard from the applicant, William McCartney, in relation to his application and from the Solicitor (Licensing) advising that the applicant's driving licence expires in February 2015 and he would require to reapply for his licence to the DVLA.

Decided: to approve this application until the expiration of the applicant's licence in February 2015 and to grant delegated powers to the Legal and Licensing Manager to issue this licence for the remainder of the three year term granted by the Panel upon receiving notification of the applicant's replacement licence, subject to standard conditions as previously agreed.

- (v) The Panel heard an objection from Police Scotland and from the applicant, John McMillan Dickie Borthwick, in response.

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

- (vi) The Panel heard an objection from Police Scotland in relation to the application from Colin Gordon.

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.

- (vii) The Panel considered the application from Peter Tasker.

The Panel heard an objection from Police Scotland and, following an objection from the applicant's representative on the submission from Police Scotland, the Panel adjourned to consider this matter.

Upon reconvening, the Panel agreed to hear the submission from Police Scotland, however, took into consideration that the circumstances outlined in the Police submission had not been intimated to the applicant or his representative and were of a mind to continue this matter to a future meeting of this Panel to allow the applicant time to consider the Police submission.

The Panel noted that the applicant's agent was prepared to proceed and Councillor Hunter, seconded by Councillor Campbell, moved that this matter be continued to a future meeting of this Panel to allow further information to be sought.

By way of Amendment, Councillor Convery, seconded by Councillor Goldie, moved that the application be considered at this meeting.

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

The Panel then heard the amended objection from Police Scotland and from the applicant's representative in response.

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

- (ix) The Panel considered the proposed suspension of various licences.

Decided:

- (A) to agree to suspend the licences held by the following for their unexpired portions as they had failed to undertake training as per the licences issued to them and to grant delegated powers to the Legal and Licensing Manager to reinstate these licences once proof of completion of the training course had been exhibited:-

Alexander Young Livingston;
John James Jessiman; and
John Higgins; and

- (B) that, as the recorded delivery letter to Rikki Robertson had been returned and he had, therefore had no notification of this meeting, to continue this matter to a future meeting of this Panel.

(b) **Private Hire Drivers**

The Panel considered the proposed suspension of two licences.

Decided:

- (A) having heard from Colin Neil Brown, to agree by a majority to suspend his licence for its unexpired portion from 28th June 2014 to allow him to work one week's notice in his employment, as he had failed to undertake training as per the licence issued to him and to grant delegated powers to the Legal and Licensing Manager to reinstate his licence once proof of completion of the training course had been exhibited; and
- (B) to agree to suspend the licence held by Carla Ogston for its unexpired portion as she had failed to undertake training as per the licence issued to her and to grant delegated powers to the Legal and Licensing Manager to reinstate this licence once proof of completion of the training course had been exhibited.

(c) **Street Traders.**

- (i) **Angus Stuart McNeish for Hot Food Business – Fish and Chip Van in South Ayrshire Area.**

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

Decided: to approve the application, subject to standard conditions from Monday to Sunday inclusive from 8.00 a.m. to 9.00 p.m.

- (i) **Tug Kite Trading Limited and Andrew M. Beattie for the Sale of Kites at Stair Park, Girvan.**

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

Decided: to approve the application, subject to standard conditions from 8.00 a.m. to 8.00 p.m. on Thursdays only for three years, notwithstanding the presumption against street traders licences for the seafront areas which include Stair Park, Girvan.

11. Exclusion of press and public.

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the following item of business on the agenda, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

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

Taxi Driver.

The Panel heard an objection from Police Scotland and from the representative for the applicant, Derek Scot Burns in response and adjourned for consideration of this application.

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

Councillors Cavana and Grant left the meeting at this point as they had not been members of the Panel when this matter was previously considered.

13. Adjournment.

The time being 4.05 p.m. the Panel adjourned for five minutes.

The meeting resumed at 4.10 p.m.

14. Landlord Registration.

Reference was made to the Minutes of 20th March 2014 (Page 17, paragraph 11) when it had been decided

- (a) to request that the Private Landlord Registration Service and Environmental Health Service inspect each of the properties named in the application by the applicant;
- (b) to request that the applicant supply an up-to-date document pack for each property outlining the condition of the property to Private Landlord Registration and supply copies for the members of the Panel;

- (c) that the applicant be requested to raise the repairs level to £500 to enable Directional Letting to carry out repairs up to a value of £500 without the need to consult with the applicant; and
- (d) to agree that this application would be reconsidered at a future meeting of this Panel,

and there was submitted a report (issued to members only) of 5th June 2014 by the Head of Community Care and Housing requesting that the Panel consider Mr. Ippolito's application for Landlord Registration dated 13th December 2013, in which Directional Letting were nominated to act as Mr. Ippolito's agent.

The Panel then heard from the Private Sector and Landlord Registration Officer and from the licence holder's representative who had provided a document pack for each property and who advised that some of the properties had still not been transferred to the control of the proposed agents and that certain properties were in the course of being removed from the application.

Decided: at the request of the applicant's representative, to continue consideration of this application to a future meeting of this Panel to allow further information regarding the properties to be provided by the applicant.

The meeting ended at 4.30 p.m.