

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 1st May 2014 at 10.00 a.m.

**For Items 1 to 4:**

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

Attending: C. Cox, Planning Manager; W. Carlaw, Democratic Governance Manager; C. Parish, Planning Development Group Leader; D. Clark, Supervisory Planner; and A. Gibson, Committee Services Officer.

Also Attending: G. Fiddes, Traffic, Transportation and Asset Team Manager South; and E. Kelty, Engineering Officer (Traffic), Ayrshire Roads Alliance.

**For Items 5 to 13:**

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

Apology: Councillor Ian Douglas.

Attending: M. Douglas, Solicitor (Licensing); R. Cairns, Team Leader (Building Standards); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

Also Attending: Inspector D. McMurdo and Sergeant D. McIntosh, Police Scotland.

In Attendance: B. Ferries, General Manager, Ayr Racecourse; L. Grant and G. Steel, Ayr United Football Club; and B. Kidd, St. Andrew's Ambulance Corps.

**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 meetings.**

The minutes of 20th March 2014 (issued) ([link attached](#)) were submitted and approved.

### 3. Orders Under the Road Traffic Regulation Act 1984.

There were submitted reports (issued) of April 2014 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 (Forehill Primary School, Ayr) (Prohibition of Stopping on School Keep Clear Markings and Waiting and Loading Restrictions) Order 2014 ([link attached](#));
- (2) South Ayrshire Council (Arthur Street, Ayr) (Waiting Restrictions) Order 2014 ([link attached](#)); and
- (3) South Ayrshire Council (Boswell Park and Arthur Street, Ayr) (Restricted Access) Order 2014 ([link attached](#)).

Clarification was sought and provided regarding consultation and equalities issues.

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

### 4. Applications for Planning Permission.

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

The Panel decided as follows:-

- (1) **14/00282/APPM – GIRVAN – land to north-east, Ladywell Avenue** - Erection of fourteen anaerobic digesters, six storage tanks, containment, associated plant and formation of associated access, fencing, hardstanding, landscaping and control building ([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 no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;

- (c) that the proposed access shall be constructed to Industrial Roads design criteria in accordance with the specifications in the Council's Roads Development Guide;
- (d) that junction access visibility sightline splays of 4.5 metres by 60 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (e) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (f) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating the largest size of vehicle expected to be used by or serve the development. The turning area shall be constructed as approved prior to the development being operational;
- (g) that prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway;
- (h) that the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority;
- (i) that all landscaping works shall be completed in accordance with the approved landscape drawings within a timescale to be approved in writing by the planning authority before any work commences on site. The landscaped area shall be retained to this approved standard; and
- (j) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007 unless otherwise approved in writing by the Planning Authority.

**Reasons:**

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

- (i) to ensure landscaping works are completed at an appropriate stage in the development of the site; and
- (j) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

**Advisory Notes:**

- (i) that a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site. In the interest of road safety and to ensure an acceptable standard of construction;
- (ii) 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;
- (iii) the Council as Roads Authority advises that the Council will not adopt the road on its completion;
- (iv) 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;
- (v) please note that Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication; and
- (vi) that odour control systems shall be installed in accordance with the requirements of the Scottish Environment Protection Agency (SEPA) before operation of the anaerobic digestion facility hereby approved. The anaerobic digestion facility hereby approved shall be operated at all times fully in accordance with the odour control requirements of SEPA.

**List of Determined Plans:**

Drawing - Reference No (or Description): S-L(90)-032 Location Plan;  
 Drawing - Reference No (or Description): S-L(90)-030 Existing layout;  
 Drawing - Reference No (or Description): S-L(90)-031 Ownership boundary;  
 Drawing - Reference No (or Description): S-L(90)-050 masterplan;  
 Drawing - Reference No (or Description): S-L(90)-051 Masterplan Site Sections;  
 Drawing - Reference No (or Description): S-L(90)-052 Landscape Proposals;  
 Drawing - Reference No (or Description): S-L(90)-053 Service Yard and Building;  
 Other - Reference No (or Description): Archaeology data report;  
 Other - Reference No (or Description): Archaeology Evaluation;  
 Other - Reference No (or Description): Design/Access Statement;  
 Other - Reference No (or Description): Landscape Management Plan;  
 Other - Reference No (or Description): Support statement;  
 Other - Reference No (or Description): REV B Landscape report;  
 Drawing - Reference No (or Description): 101-P REV G Control Building; and  
 Other - Reference No (or Description): PAC Report.

**Reason for Decision:**

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

- (2) **14/00112/APPM – AYR – Greyhound Stadium, Glenmuir Place** – Erection of residential development and associated works ([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 the Surface Finishes Plan (drawing ref L(90)100) is not hereby approved and that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (c) that prior to the commencement of 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 the further ground stability and mining investigative work detailed in the Scott Bennett Associated document ref J2828G dated January 2014 be undertaken and findings and remediation strategies be submitted for the prior written approval of the Planning Authority in consultation with SEPA;
- (e) that details of Acoustic Barriers, Vibration Mitigation and Enhanced Glazing/ventilation units specified in the recommendations contained in the Noise impact Assessment Technical Report no. R-6623-CS-RGM by RMP Acoustic Consultants be submitted for the prior written approval of the Planning Authority;
- (f) that prior to the commencement of any site works, a comprehensive contaminated land investigation shall be submitted for the 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;
- (g) 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;
- (h) remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority;

- (i) 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;
- (j) that before any work commences on site a suitably scaled block layout showing;
- existing ground levels;
  - proposed ground levels;
  - and finished floor levels of each proposed dwellinghouse; and
  - shall be submitted for the prior written approval of the Council as Planning Authority;
- (k) that the landscaping plans (drawing ref:P1410.02 and P1410.03) are not herewith approved. Before any works start on site 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 earth mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within 1 year / 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;
- (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 for the formal prior written approval of the Council as Planning Authority;
- (m) 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;
- (n) that before occupation of the first dwellinghouse a Residents' Travel Pack 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 Pack shall include information on available facilities for travel by walking, cycling and using public transport in the vicinity of the development site, and shall be distributed to all new residents;
- (o) 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;
- (p) that junction access visibility sightline splays of 2.5 metres by 35 metres shall be maintained in both directions at all new junctions with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (q) that off-road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. 145) within the existing site boundaries prior to *completion* of the dwellinghouse(s);

- (r) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (s) 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; and
- (t) that prior to completion of the development any gates shall open inwards away from the public roadway.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) in the interests of visual amenity;
- (d) to ensure that potential risks arising from previous site uses have been fully assessed and to ensure that proposed remediation is suitable;
- (e) to avoid noise and vibration disturbance in the interests of residential amenity;
- (f) to ensure potential risks arising from previous site uses have been fully assessed;
- (g) to ensure the proposed remediation plan is suitable;
- (h) to ensure remedial works are carried out to the agreed protocol;
- (i) to ensure all contamination within the site is dealt with;
- (j) in the interests of residential and visual amenity to ensure that there is no significant detrimental impact on adjacent properties;
- (k) in the interest of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (l) in the interest of road safety;
- (m) in the interest of road safety and to ensure an acceptable standard of construction;
- (n) to encourage sustainable means of travel;
- (o) in the interest of road safety and avoid the discharge of water on to the public;
- (p) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (q) in the interest of road safety and to ensure adequate off-street parking provision;
- (r) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (s) in the interest of road safety and to ensure that adequate provision is made for pedestrians; and
- (t) in the interest of road safety.

**Advisory Notes:**

- (i) Network Rail has advised the following with regard to this development proposal;
  - 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);

- 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 recommended Network Rail's existing boundary measure must not be removed without prior permission. A condition relating to this is also included;
- 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;
- 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;
- 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
- 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](mailto: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. Any queries regarding this should be made to Brian Seditas on 01292 616399; and
- (iii) the Council as Roads Authority advises
- 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; and
  - property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

**List of Determined Plans:**

- Drawing - Reference No (or Description): L(20)100 Location Plan;
- Drawing - Reference No (or Description): J2828/CP/032 Site Layout part 1;
- Drawing - Reference No (or Description): J2828/CP/033 Site Layout part 2;
- Drawing - Reference No (or Description): J2828/CP/035 Road Construction details;
- Drawing - Reference No (or Description): J2828/CP/041 Rev B Drainage Layout 1;
- Drawing - Reference No (or Description): J2828/CP/042 Drainage layout 2;
- Drawing - Reference No (or Description): J2828/CP/045 Rev A Drainage Construction Details;
- Drawing - Reference No (or Description): L(20)002 Phasing Plan;
- Drawing - Reference No (or Description): L(20)005 Existing site layout Part 1;
- Drawing - Reference No (or Description): L(20)006 Existing site layout Part 2;
- Drawing - Reference No (or Description): L(20)010 Rev D proposed Site Layout Part 1;
- Drawing - Reference No (or Description): L(20)011 Rev B proposed Site Layout Part 2;
- Drawing - Reference No (or Description): L(20)012 Existing Site Sections;
- Drawing - Reference No (or Description): L(20)015 Proposed Site Sections;
- Drawing - Reference No (or Description): L(20)016 Ferguson and Sloan Street Elevations;
- Drawing - Reference No (or Description): L(20)020 Rev C House Type 1.1 and 1.2;
- Drawing - Reference No (or Description): L(20)023 Rev D 4A6P House Type 3.1;
- Drawing - Reference No (or Description): L(20)025 2A2P Cottage Flat Plan Type 1.3;
- Drawing - Reference No (or Description): L(20)026 2A2P Cottage Flat Plans Type 1.4;
- Drawing - Reference No (or Description): L(20)027 3A4P Bungalow Wheelchair Plan;
- Drawing - Reference No (or Description): L(20)028 4A6P House Type 3.2;
- Drawing - Reference No (or Description): L(20)029 Rev B 3A4P 2 Storey House Plan Type 2a2;
- Drawing - Reference No (or Description): L(20)030 Rev B 3A4P 2 Storey House Elevation 1.1 and 1.2;

Drawing - Reference No (or Description): L(20)031 Rev B 3A4P 2 Storey House Elevation 2a2;  
 Drawing - Reference No (or Description): L(20)032 Rev B 3A4P Bungalow Elevations;  
 Drawing - Reference No (or Description): L(20)033 Rev B 4A6P House Elevations TYPE 3.1;  
 Drawing - Reference No (or Description): L(20)035 2A2P Cottage Flat Elevation Type 1.3;  
 Drawing - Reference No (or Description): L(20)036 2A2P Cottage Flat Elevation Type 1.4;  
 Drawing - Reference No (or Description): L(20)037 Rev B 3A4P Wheelchair Bungalow Elevations;  
 Drawing - Reference No (or Description): L(20)038 Rev B 4A6P House Elevations Type 3.2;  
 Drawing - Reference No (or Description): L(20)039 Rev A 3A4P 2 Storey House Elevations Type 2a2;  
 Drawing - Reference No (or Description): L(20)12 Proposed Site Sections;  
 Drawing - Reference No (or Description): L920)021 Rev B 3A4P 2 Storey House; and  
 Drawing - Reference No (or Description): L920)022 Rev C 3A4P Bungalow 2b1 and 2b2.

**Reason for Decision:**

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

- (3) **13/01506/APP – GIRVAN – Chapelton Farm** – Erection of three wind turbines, associated infrastructure and formation of access track ([link attached](#)).

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

- (a) that the proposed development would be contrary to policy STRAT 5 of the South Ayrshire Local Plan:
- STRAT5a) in that it would have an inappropriate scale and prominent siting giving it an overall unacceptable impact on the landscape;
  - STRAT5b) and STRAT5e) in that it would have an intrusive/dominant impact on the residential amenity of Chapelton Farm; and
  - STRAT5d) in that the setting of the Scheduled Ancient Monument at Hallowshean Fort would significantly affected;
- (b) that the proposed development would be contrary to policy SERV3 of the South Ayrshire Local Plan in that it would have unacceptable environmental and communities impacts;
- (c) that the proposed development would be contrary to policy STRAT1 of the Ayrshire Joint Structure Plan in that it would detract from natural and built heritage assets in terms of impacts on the wider landscape and impacts on the Scheduled Ancient Monument Hallowshean Fort. The development would be inappropriate in respect of the landscape character of the area and result in visual damage to sensitive regional tourism and recreation assets;

- (d) that the proposed development would be contrary to policy STRAT2 of the Ayrshire Joint Structure Plan in that the development would represent an inappropriate scale of business development / environmental action within the investment corridor;
- (e) that the proposed development would be contrary to policy ECON6 of the Ayrshire Joint Structure Plan in that it would have a significant adverse impact on the landscape character and cultural heritage of the Maybole Foothills;
- (f) that the proposed development would be contrary to policy ENV1 of the Ayrshire Joint Structure Plan in that it would detrimentally impact on local distinctiveness. The turbines would dwarf the scale of locally distinctive features such as farm buildings, pastoral boundaries and forestry. The turbines would intrude on the skyline from several prominent views including from the properties at Glenhead, Hallowshean and Chapelton as well as from Hallowshean Camp Fort; and
- (g) that the proposed development would be contrary to policy ENV6 of the Ayrshire Joint Structure Plan in that it would detrimentally impact on the archaeological area at Hallowshean which is a recognised Scheduled Ancient Monument.

**List of Determined Plans:**

Drawing - Reference No (or Description): WV1082/001/B;  
 Drawing - Reference No (or Description): WV1082/013/B;  
 Drawing - Reference No (or Description): WV1082/016A;  
 Drawing - Reference No (or Description): WV1082/017A; and  
 Drawing - Reference No (or Description): WV1082/018A.

- (4) 14/00248/FUR – AYR – 3 Summerfield Cottages, 66 Monument Road – further application to renew planning permission 10/01678/APP [\(link attached\)](#).**

**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 details of the levels and material finishes of the proposed driveway shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of works on site;
- (c) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 3 metres wide over its initial 2 metres, as measured from the rear of the public footway before completion of development;

- (d) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and
- (e) that prior to completion of the development any gates shall open inwards away from the public roadway.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to define the terms of the planning permission;
- (c) in the interest of road safety and to ensure an acceptable standard of construction;
- (d) in the interest of road safety and avoid the discharge of water on to the public road; and
- (e) in the interest of road safety.

**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) the Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide 5.2.4 before completion of the development; and
- (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 AND SITE PLANS.

**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, Councillor Douglas left the meeting.**

- (5) **14/00126/APP –KIRKOSWALD – Land at Main Road** – Temporary siting of three storage containers ([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; and
- (b) that the approval for the proposed structures are limited to 1 year; when the structure shall be removed from the site and the land be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN; and  
Drawing - Reference No (or Description): SK(-- )01.

**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.

- (6) **14/00167/APP – AYR – 28 Racecourse Road** – Alterations and extension to care home ([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 prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;

- (c) that before 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; and
- (d) that notwithstanding the plans hereby approved, replacement trees shall be replanted on a 2 for 1 basis. Full details in respect of the species and positioning of the replacement trees shall be submitted for the prior written approval of the Planning Authority prior to the commencement of works on site

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) in order to ensure that no damage is caused to the existing trees during development operations: and
- (d) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
 Drawing - Reference No (or Description): EXISTING ELEVATIONS;  
 Drawing - Reference No (or Description): EXISTING GROUND FLOOR PLAN;  
 Drawing - Reference No (or Description): EXISTING FIRST FLOOR PLAN;  
 Drawing - Reference No (or Description): EXISTING SECOND FLOOR PLAN;  
 Drawing - Reference No (or Description): PROPOSED ELEVATIONS;  
 Drawing - Reference No (or Description): PROPOSED SITE PLAN; and  
 Drawing - Reference No (or Description): PROPOSED FLOOR PLAN.

**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.**

5. **Resumption of Meeting.**

The meeting resumed at 2.00 p.m.

6. **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.

7. **Annual Inspection, Regulated Stands, Ayr Racecourse.**

There was submitted a report (issued) of 3rd April 2014 by the Executive Director - Economy, Neighbourhood and Environment advising of the outcome of the technical inspections of the Club and Eglinton Stands at Ayr Racecourse and reporting on issues arising since the last Annual Inspection.

The Panel heard

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

**Decided:**

- (a) to note the contents of the report;
- (a) to agree that the Safety Certificates should remain in force; and
- (b) to agree that a report be submitted to a future meeting of this Panel following preparation of the revised Safety Certificates.

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

There was submitted a report (issued) of 2nd April 2014 by the Executive Director – Economy, Neighbourhood and Environment advising of the outcome of the technical inspections of Somerset Park, Ayr in respect of the Safety of Sports Grounds Act 1975 and reporting on issues arising since the last Annual Inspection.

The Panel heard

- (1) the Team Leader – Building Standards advise
  - (a) that following visits to the Stadium, all documentation regarding Certification, Surveys and Reports was now in place;
  - (b) that upgrading works would be required to the connection of the emergency generator as part of the 2014 Maintenance Programme as, although the generator was operational, there was a problem with the connection providing the automatic start-up during emergency situations, however, in the interim a “work round” solution had been agreed which involved a steward being exclusively committed to the generator housing;
  - (c) that the club had been requested to clarify their future maintenance plans, in particular for the roof steelwork to the main stand and two covered enclosures, given the level of corrosion to the steelwork;
  - (d) that during the 2013/14 season two Scottish League One matches had been played with both matches attracting attendances in excess of 8,000 with no major incidents reported and that extensive pre-match operational meetings had taken place before both matches which had included the clubs, the Scottish Professional Football League and members of the safety team, which had proved extremely useful;
  - (e) that work had been carried out on certain turnstiles to repair the operating mechanisms and the connections to the computerised monitoring system;
  - (f) that, although not expressly required in the current General Safety Certificate, CCTV cameras had been installed by the Club to monitor the crowd and also the Tryfield Place area outside the stand;
  - (g) that, as part of the preparations for the first fixture against Rangers, a proportion of the crush barriers (c 25%) had been subjected to load testing and appropriate remedial action taken; and
  - (h) that Police Scotland, Scottish Fire and Rescue, Scottish Ambulance Service and the Council’s Building Standards Service and Environmental Health Service had no adverse comments, however, an Environmental Health Service Officer had sent a letter to the Club reminding them of their responsibilities with regards to gas appliances, asbestos and sanitation of food preparation equipment;



- (2) the representative from Ayr United outline
- (a) that the Club had been unable to attend to the steelwork on the roofs for financial reasons and to avoid damaging the roof and he had been assured by engineers that that the steelworks would be adequate for a number of years, however, he was aware that works would require to be carried out sooner rather than later and the steelwork would continue to be monitored;
  - (b) that the barriers had been tested and had all passed and the turnstile repairs had been carried out;
  - (c) that the Club was committed to carrying out the works prior to 14th July 2014 as agreed with Building Standards;
  - (d) that the installation of an uninterrupted power supply for CCTV and the public address system was being investigated which was important for the evacuation of the ground; and
  - (e) that the emergency lighting in the stand would be carried out by 14th July 2014; and
- (3) a representative from St. Andrew's Ambulance Corps advise that the first aid room had been updated in consultation with her and was now in a satisfactory condition.

Questions were then raised by Members of the Panel in relation to

- (i) how long there had been a problem with the connection of the emergency generator and the representative advised that this problem had been ongoing for three to four months;
- (ii) whether the necessary procedures were in place to cope with larger crowds attending matches and the representative from Ayr United advised that the Club Stewards monitored the crowds at matches and had recently ejected four individuals who were later arrested by Police Scotland;
- (iii) whether the Club intended to carry out works on the corrosion in the stands in the near future and the representative advised that inspection works were regularly carried out, that the Club was aware that works required to be carried out, however, should any part prove to be dangerous, it would be closed to the public; and
- (iv) whether the Club was confident of meeting the deadline of 14th July 2014 for carrying out the outstanding works and the Ayr United representative advised that a more extensive list of works had been carried out within the deadline for the last few years and he was confident that the works would be carried out within the deadline this year.

**Decided:**

- (A) to note the contents of the report;
- (B) to agree that the General Safety Certificate should remain in force on condition that any outstanding items were satisfactorily concluded by 14th July 2014.
- (C) to agree that a report be submitted to a future meeting of this Panel following preparation of the revised Safety Certificate.

**Councillor Hunter joined the meeting at this point.**

**9. Update from Licensing Monitoring Officer.**

The Licensing Monitoring Officer advised

- (1) of the failure statistics for Taxis and Private Hire Vehicles for the first quarter of 2014 compared to the first quarter of 2013, outlining
  - (a) that for Taxi Vehicles, from 1st January to 31st March 2014, 28 Taxi Vehicle tests had been carried out and 8 had failed which was a 28% failure rate compared to 1st January to 31st March 2013 when 29 taxi vehicle tests had been carried out and 9 had failed which was a failure rate of 31%, which showed a slight improvement for 2014; and
  - (b) that for Private Hire Vehicles, from 1st January to 31st March 2014, 37 Private Hire Vehicle tests had been carried out and 11 had failed which was a 29% failure rate compared to 1st January to 31st March 2013 when 42 Private Hire Vehicle tests had been carried out and 3 had failed which was a failure rate of 7% which was a considerable increase in Private Hire Vehicles failing the vehicle test which was unacceptable as any vehicle should be fit for purpose not only on the test date but every day;
- (2) that, if an operator of a Taxi or Private Hire Vehicle failed two consecutive tests they were issued with a warning letter from the Licensing Section and, should they fail a third test, the matter was brought to the attention of this Panel; and
- (3) that she would provide a further update report on statistics to the Panel meeting scheduled to be held on Thursday, 28th August 2014.

A Panel Member then outlined that the failure rates for Taxis and Private Hire Vehicles was totally unacceptable.

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

## 10. Review of Metered Taxi and Private Hire Fares.

There was submitted a report (issued) of 14th April 2014 by the Executive Director – Resources, Governance and Organisation

- (1) advising that the Council was obliged, under Section 17 of the Civic Government (Scotland) Act, 1982 and Section 14 of the Transport Act, 1985, to fix maximum fare scales and to review these scales at intervals not exceeding eighteen months and that the last review had been completed with an implementation date of 3rd December 2012, however, whilst obliged to carry out a review, the Council was not obliged to increase (or decrease) the maximum fares;
- (2) outlining
  - (a) that the South Ayrshire Taxi Owners' Association and all Booking Offices had been consulted and one response had been received, from South Ayrshire Taxi Owners Association;
  - (b) that the only change advocated to the existing fare structure by the South Ayrshire Taxi Owners' Association was a change to the charge for each additional 176 yards or 48 seconds costing £0.20 which it wished to be amended to each additional 80 yards or 24 seconds costing £0.10 which the Association had given no explanation for, although it might be assumed that it was to cover increased costs; and
  - (c) that, if this proposal was agreed by the Panel, it would result in increased fares, i.e. a basic three mile journey would increase from £7.60 to £8.00, however, the proposal would be advertised to allow for representations, following which a further report would be submitted to the Panel with a request that these fares were then fixed; and
- (3) seeking approval to carry out a review of metered fares for taxis and private hire vehicles.

### Decided:

- (i) to approve the proposed maximum fares to be advertised as follows, to allow for representations:-

<u>Unit</u>	<u>Existing</u>	<u>Proposed</u>
• Distance not exceeding 1180 yards or for a time not exceeding 4 minutes 40 seconds	£ 2.80	£ 2.80
• Each additional 176 yards or 48 seconds	£ 0.20	£ 0.10 for each additional 80 yards or 24 seconds
• Night-time charge (midnight to 6 a.m.) per hire	£ 1.00	£ 1.00
• Each completed period of 48 seconds	£ 0.20	£ 0.20
• Fouling charge	£60.00	£60.00

<u>Unit</u>	<u>Existing</u>	<u>Proposed</u>
<ul style="list-style-type: none"> <li>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)</li> </ul>	X 1.5 metered fare	X 1.5 metered fare
<ul style="list-style-type: none"> <li>6/7/8 seater vehicles where 6, 7 or 8 passengers are carried an enhanced charge metered fare</li> </ul>	X 1.5 metered fare	X 1.5 metered fare
<ul style="list-style-type: none"> <li>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, shall not be greater than those above; and</li> </ul>		
(ii) 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.		

## 11. Civic Government (Scotland) Act 1982 - Licences.

### (a) Taxi Drivers.

- (i) The Panel heard an observation from Police Scotland and heard from the applicant, Scott O'Donnell, in response.

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

- (ii) The Panel heard from the applicant, Thomas James Mathieson, in relation to his application.

Councillor Hunter, seconded by Councillor Goldie, moved that this application be approved for one year.

By way of Amendment, Councillor Campbell, seconded by Councillor Convery, moved that the application be approved for three years.

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

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

- (iii) The Panel heard from the applicant, Douglas Gilbert Perrie, in relation to his application.

Councillor Campbell, seconded by Councillor Convery, moved that the application be approved for three years.

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

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

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

**(b) Private Hire Car Driver.**

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

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

**12. 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.

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

**Second Hand Car Dealer.**

**Ross McFadzean for Unit 10, Callander Park, Callander Road, Heathfield, Ayr.**

The Panel heard an objection from Police Scotland and from the representative for the applicant, Ross McFadzean and the Panel adjourned for consideration of this application.

**Decided:** upon reconvening, to continue consideration of this application to the Panel meeting scheduled to be held on Thursday, 28th August 2014, to allow further information to be sought.

**At this point, the time being 3.10 p.m., the meeting ended and it was noted that the Panel would resume at 10.00 a.m. on Friday 2nd May 2014 to consider the remaining item of business on the agenda.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 2nd May 2014 at 10.00 a.m.

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

Apology: Councillor Hugh Hunter.

Attending: M. Douglas, Solicitor (Licensing); and A. Gibson, Committee Services Officer.

**14. Resumption of Meeting.**

The meeting resumed at 10.00 a.m.

**15. 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.

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

**Public Entertainment Licence.**

**William Hammond for Fun Town Comprising of Slide, Galleon, Children's Ride, Children's Ride or Train and Train Ride or Boat Pond at Fun Town, Promenade, Ayr (South End of Putting/Crazy Golf).**

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

The Panel adjourned for consideration of the remainder of the written objections and representations and then reconvened to hear summing up from the applicant and objectors/representations.

**Decided:** to approve this application, the approved dates being 1st April 2014 to 30th September 2014, 1st April 2015 to 30th September 2015 and 1st April 2016 to 30th September 2016, subject to appropriate conditions as previously advised by consultees and additionally (1) the entertainment to be restricted to not more than two inflatable devices and two children's rides; and (2) no amplified music.

The meeting ended at 11.40 a.m.