

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 23rd January 2014 at 10.00 a.m.

**For Items 1 to 6:**

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

Apology: Councillor Hugh Hunter.

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

**For Items 7 to 10:**

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

Apologies: Councillors Ann Galbraith and Hugh Hunter.

Attending: M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

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

**1. Declarations of Interest.**

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Douglas

- (1) declared an interest in relation to the planning application being considered at item 6(1) below in that he had an amateur radio mast situated within his property in similar circumstances; and
- (2) advised that he would, however, address the Panel as Local Member relating to this planning application and then withdraw from the meeting immediately thereafter.

**2. Variation in order of business.**

In terms of Council Standing Order No.13.2, the Panel agreed to vary the order of business as hereinafter minuted.

**3. Minutes of previous meeting.**

The Minutes of the special meeting of 25th November 2013 ([link attached](#)) and meeting of 5th December 2013 ([link attached](#)) (issued) were submitted and approved.

**4. Orders Under the Road Traffic Regulation Act 1984.**

There were submitted reports (issued) of January 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 (Doonfoot Primary School, Alloway) (Waiting and Loading Restrictions) Order 2014 ([link attached](#));
- (2) South Ayrshire Council (Bellevue Crescent and Park Circus, Galloway Avenue, Glenford Place, James Street, Mount Oliphant Crescent, Savoy Park and Wexford Way, Ayr) (Waiting Restrictions) Order 2014 ([link attached](#));
- (3) South Ayrshire Council (Town of Ayr) (Speed Limit Orders) (Consolidation) Order 2014 ([link attached](#)); and
- (4) South Ayrshire Council (Town of Prestwick) (Speed Limit Orders) Order 2014 ([link attached](#)).

Clarification was sought and provided regarding enforcement issues and that the Engineering Officer (Roads) would investigate whether there was adequate signage to promote the 20 MPH Speed Limit Order on Dalblair Road, Ayr.

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

**5. Continued Planning Application.**

With reference to the minutes of 5th December 2013 (Page 2, paragraph 3(1)), there was submitted a report (issued) of January 2014 by the Executive Director – Economy, Neighbourhood and Environment on an application for determination.

The Panel decided as follows:-

**13/01185/APP – SYMINGTON – Shaw Park and Pavilion, Brewlands Road** – Alterations to and reconfiguration of existing tennis courts to form tennis court and multi-use games courts and erection of fencing and floodlighting ([link attached](#)).

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

- (1) 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;

- (2) that the floodlighting hereby approved shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of the Council's Environmental Health Service and to the satisfaction of the Planning Authority;
- (3) that the floodlighting hereby approved shall comply with the Bat Conservation Trust document in relation to Bats and Lighting in the UK to the satisfaction of the Planning Authority; and
- (4) that notwithstanding the plans hereby approved, the colour of the fence shall be agreed with the Planning Authority prior to the commencement of work on site.

**Reasons:**

- (1) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (2) in the interest of residential amenity, and to accord with the advice from the Council's Environmental Health Service;
- (3) in the interest of nature conservation; and
- (4) in the interests of visual amenity.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOC-01 REV. B;  
 Drawing - Reference No (or Description): S02;  
 Drawing - Reference No (or Description): L01 REV. E;  
 Drawing - Reference No (or Description): D01.1;  
 Drawing - Reference No (or Description): D01.2;  
 Drawing - Reference No (or Description): 1937/5;  
 Drawing - Reference No (or Description): 2895;  
 Other - Reference No (or Description): FLOODLIGHT BROCHURE 1000W; and  
 Other - Reference No (or Description): FLOODLIGHT BROCHURE 2000W.

**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. Applications for Planning Permission.**

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

The Panel decided as follows:-

**At this point, Councillor Douglas declared an interest in the undernoted item but remained in the room as he wished to address the Panel as a local member.**

- (1) **13/01338/APP – AYR – 1 Cedar Road**– Erection of amateur radio mast ([link attached](#)).

Having heard Councillor Douglas, local member, he left the meeting.

**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) in the event that the amateur radio mast becomes obsolete or redundant it shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment;
- (c) that the existing mast on site shall be dismantled and removed prior to the erection of the mast and apparatus hereby granted; and to the satisfaction of the Planning Authority; and
- (d) that details for attaching the existing copper aerials to the proposed mast shall be submitted for the approval of the Planning Authority, prior to the commencement of work on site.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) to (d) in the interests of visual amenity.

**List of Determined Plans:**

Drawing - Reference No (or Description): 1 RIDDIOUGH;

Other - Reference No (or Description): MAST DETAIL/ SPECIFICATION (1 of 2); and

Other - Reference No (or Description): MAST DETAIL/ SPECIFICATION (2 of 2).

**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 re-joined the meeting.**

- (2) **13/01384/PPP – ANNBANK – Land between Glenview and Eastburn, B744 Junction at B742, north of Annbank – B743** – Erection of two dwellinghouses and extension to garden ground ([link attached](#)).

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

- (a) that formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;
- (b) that full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in condition (a) of this planning permission;
- (c) that at the Approval of Matters Specified in Conditions stage a design statement shall be submitted which demonstrates how the design and siting of the development takes cognisance of the character of the surrounding area;
- (d) that at the Approval of Matters Specified in Conditions stage, detailed plans shall be submitted which demonstrates that visibility sightline splays of 2.5 metres by 60 metres can be achieved and maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;
- (e) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to development completion. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (f) 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;
- (g) that off-road parking spaces for each plot shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide before development completion. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

- (h) 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;
- (i) 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
- (j) 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.

**Reasons:**

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006;
- (b) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006.
- (c) in order to retain the character and amenity of the rural area;
- (d) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (e) in the interest of road safety and to ensure an acceptable standard of construction;
- (f) in the interest of road safety and to ensure an acceptable standard of construction;
- (g) in the interest of road safety and to ensure adequate off-street parking provision;
- (h) in the interest of road safety and avoid the discharge of water on to the public road;
- (i) in the interest of road safety; and
- (j) in the interest of road safety.

**Advisory Notes:**

The Council as Roads Authority advises that the Council will not adopt the access road on its completion.

**List of Determined Plans:**

Drawing - Reference No (or Description): DRAWING - ALL DETAILS.

**Reason for Decision:**

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

**Adjournment.**

The time being 11.55 a.m., the Panel agreed to adjourn.

**Resumption of meeting.**

The Panel resumed at 12 noon.

**At this point, Councillors Campbell, Goldie and Miller joined the meeting.**

- (3) **13/01332/FURM – AYR – Auchincruive Estate** – Further application to vary conditions 3, 4, 6, 7, 8, 9, 10, 11, 20, 37, 38, 39, 40, 41, 42 and 57 and demonstrate compliance with condition 13 of planning permission in principle Ref: 09/01416/PPPM ([link attached](#)).

**Decided:** to grant delegated powers to the Executive Director – Economy, Neighbourhood and Environment to approve the application subject to the conditions below and the necessary variation to the existing legal agreement:-

- (1) that conditions 3, 4, 6, 7, 8, 9, 10, 11, 37, 38, 39, 40, 41, 42 and 57 of planning permission in principle (Ref: 09/01416/PPPM) be varied as per the wording below:-
- (3) that the development hereby approved shall be implemented in accordance with the plan(s) stamped approved as follows: - Site Plan, **Masterplan L(--)*100, Phasing Plan L(--)*101, Indicative Project Programme REV C 14.11.13, Development Brief Design Code (Ref. EII36/DC/III3)****, Conservation Plan, Sustainability Statement, Transport Assessment (Rev C, 30/07/2010) and Travel Plan Framework dated 20 July 2010; as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority;
- (4) approval is given in principle for the Masterplan for Auchincruive. The scale of development approved in this Planning Permission in Principle is as follows:
  - (a) Residential: The total number of residential units to be developed throughout the entire site shall not exceed 495 residential units and shall be contained within the development footprint as defined in figure 22 of the masterplan updated by **Masterplan L(--)*100 and the Development Brief Design Code (Ref. EII36/DC/III3)***; and
  - (j) Retail unit as defined by Class 1 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 but not exceeding 200m<sup>2</sup> gross within the buildings on the Main Street beside Gibbs Yard as identified in the **Masterplan L(--)*100 and the Development Brief Design Code (Ref. EII36/DC/III3)***.

The remaining sub paragraphs in condition (4) of permission 09/01416/PPPM remains as per the original consent;

- (6) that the buildings in phase E of **Phasing Plan L(--)*101*** shall primarily be single storey but shall not exceed one and a half storeys in height;
- (7) that the residential development component of the development shall be implemented in accordance with the **Phasing Plan L(--)*101* and Indicative Project Programme REV C 14.11.13**;
- (8) a detailed phasing plan, based on **Phasing Plan L(--)*101* and Indicative Project Programme REV C 14.11.13**., shall be submitted with the first Application for Approval of Matters Specified in Conditions and within each phase, programming will be determined by a detailed Phasing Plan which shall be submitted at the first formal application for each phase, or as otherwise agreed by the Council. The Phasing Plan shall detail the exact sequences of development for each proposed land use, the provision of infrastructure, landscaping, open space, footpaths, cycleways and the scale and distribution of affordable housing within each phase of the development to be agreed with South Ayrshire Council as Planning Authority;
- (9) that Phase E shall be cleared and work shall commence on the East Campus in accordance with the approved **Phasing Plan L(--)*101* and Indicative Project Programme REV C 14.11.13**. and approved plans unless otherwise approved by the Council as Planning Authority;
- (10) that the proposed village square **located adjacent to Gibbs Yard and part of the overall village green as shown on masterplan L(--)*100*** shall be completed in accordance with an approved planning permission before work commences on **phase C as per the new phasing plan L(--)*101***;
- (11) that the proposed policy parkland to the south west of Oswald's Hall as delineated in figure 33 of the original Masterplan shall be implemented in accordance with an approved landscape scheme before work commences **on phase D or E as shown on the new phasing plan L(--)*101***;
- (13) that all subsequent applications for approval of matters specified in conditions shall adhere to the design standards and criteria in the approved Development Brief and Design Code which shall include the Development Principles listed below. Furthermore it shall be noted that the document shall refer to; listed buildings within the development site as 'Category' A, B and C, the landscape being correctly described as a 'designed landscape which is included in the Inventory of Gardens and Designed Landscape' in recognition of its national importance and to either 'Oswald's Temple' or the 'Tea House' (with any reference to the 'Tea Temple' being omitted). All references to 'cotoneaster' hedges in mandatory guidance shall be amended to read 'cotoneaster, hawthorn or beech' and all references to 'natural play' shall be omitted.



## Development principles -

**Managing the Assets:** The assets of the site include the beautiful landscape setting, the listed and other historic buildings in and around the sites as well as the walls, hedges, mature trees and other distinctive features within the identified development sites. They include the adjoining offices, businesses, sports facilities, gardens and countryside activities that make Auchincruive a distinctive and attractive place.

This exceptional combination of assets of the site and location should actively influence the future management of change:

- (a) the assets should be regarded as vulnerable and in need of careful management, special attention and conservative repair;
- (b) the assets should be regarded as a quality benchmark to influence the quality of future architecture, landscape architecture and streetscape design on the site; and
- (c) the assets should be regarded as an inspirational baseline by designers to respond to, to be build on and to integrate with.

**Visual Setting:** Particular attention should be paid to elements of housing that would be seen within the wider landscape, given the rolling topography. The general principle reflected in the code has been to limit housing to less prominent locations and this principle should be maintained. Any buildings seen in the wider context should be of a particularly high quality and attractiveness. Any massing of housing visible from the wider landscape, or from sensitive visual receptors, should be broken up by landscape elements.

**Public Realm:** The streetscape infrastructure will be the vital binding element holding the new village together, linking old with new parts, linking housing with businesses, linking both resident and working populations with sports facilities, recreation and the countryside. This will require particular attention to street design and detailing to achieve a suitable village character and to avoid a more conventional suburban road character. The place quality and experience of pedestrians, cyclists and multiple users of this public realm should be prioritised ahead of vehicle circulation, as set out in Designing Streets policy.

**Street Enclosure:** Active steps should be taken to ensure a variety of street enclosure throughout the new village rather than having standardised house formats with deep front curtilage parking and gardens predominating

- (a) to integrate with the indigenous street widths of the more cohesive parts of South Ayrshire historic streets (village study street sections pages 44 to 46); and

- (b) to support passive vehicle speed reduction measures as indicated in Designing Streets 'Buildings at Junctions' page 24. The detailed plans in the 'block principles' section of each character area in the Design Code provide a reasonably coherent street structure as drawn, providing a degree of street enclosure.

**Responding to local character:** A reflection of some of the more positive qualities of the more attractive historic villages in South Ayrshire should influence the form of Auchincruive. Detrimental qualities, such as piecemeal development or vehicle dominated street environments, should not be replicated.

**Local Materials:** The architectural language and materials palette used should be built up from architecture on site or from elements that make particular sense for the immediate environment e.g. timber cladding used for houses seen in a woodland setting as indicated in the Design Code;

- (37) that valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of Oswald's Temple shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase B, C, D or E in the approved **phasing plan L(--)** 101. and no more than 150 of the new general market houses hereby approved shall be occupied and phase C shall not commence prior to the full restoration of Oswald's Temple in accordance with the approved schedule of works. For the avoidance of doubt the applicant is advised to engage in pre-application consultation with the Planning Authority and Historic Scotland regarding the intended restoration works and note that no new structures are permissible on the grassed area surrounding the Oswald's Temple building;
- (38) that valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of the Walled Garden and Glasshouse shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase D or E in the approved **phasing plan L(--)** 101 and no more than 250 of the new general market houses hereby approved shall be occupied before the approved restoration works to the Walled Garden and Glasshouse are completed;
- (39) that valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of the Bothy Block shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase D or E in the approved **phasing plan L(--)** 101 and no more than 250 of the new general market houses hereby approved shall be occupied before the approved restoration works to the Bothy Block are completed;

- (40) that valid applications (including detailed plans) for all necessary statutory consents for the removal of the modern shed from the walled garden and glasshouse area and the landscape restoration arrangements for the site shall be submitted to the Planning Authority prior to any application being submitted for phase D or E in the **phasing plan L(--)** 101. No more than 250 of the new general market houses hereby approved shall be occupied before the modern shed is removed and the landscape restored in accordance with submitted and approved details;
- (41) that a building condition survey of the Ice House and a schedule of works for the stabilisation and preservation of the Ice House (and valid applications for all necessary statutory consents where necessary) shall be submitted to the Planning Authority prior to any Application for Approval of Matters Specified in Conditions being submitted for Phases B, C, D or E in the approved **phasing plan L(--)** 101 and no more than 200 of the general market houses hereby approved shall be occupied before the approved stabilisation / preservation works to the Ice House are completed;
- (42) that the listed buildings on the site shall be used and maintained in accordance with the indicative proposals and timescales in the approved **phasing plan L(--)** 101, **Indicative Project Programme REV C 14.11.13** and the Conservation Plan unless otherwise approved in writing by the Planning Authority. For the avoidance of doubt the applicant shall consult the Council with regard to the requirement for planning permission and/or listed building consent for any proposed change of use or alterations; and
- (57) that the tennis courts opposite Gibbs Yard shall be refurbished in accordance with a schedule of works approved in writing by the Planning Authority, prior to the occupation of the first house in **phase C in accordance with updated phasing plan L(--)**101. For the avoidance of doubt the required estate management plan shall specify the precise ongoing management and maintenance arrangements for the refurbished tennis courts.

**Reasons:**

- (1) in order to
- to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;
  - to preserve the setting of the category 'A' listed Oswald's Temple;
  - to clarify the terms of the permission;
  - in the interests of the proper planning of the area and the timeous provision of different inter-related parts of the development;

- in order to ensure that the restoration of listed buildings proceeds on a properly regulated basis within a reasonable timescale relative to the level of enabling development;
- in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality for this Historic Garden and Designed Landscape and to ensure necessary landscaping works are completed at an appropriate stage in the development of the site;
- in order to ensure that the stabilisation and preservation of listed buildings proceeds on a properly regulated basis within a reasonable timescale relative to the level of enabling development;
- to safeguard the character and appearance of the historic designed landscape and listed buildings, and
- in the interest of sustainable development and to ensure that adequate measures are put in place to maintain this facility in the long term.

**Advisory Notes:**

None.

**List of Determined Plans:**

Drawing - Reference No (or Description): L(--)-103 Location plan;  
 Drawing - Reference No (or Description): L(--)-102 Development boundary;  
 Drawing - Reference No (or Description): L(--)-101 Detailed phasing plan;  
 Drawing - Reference No (or Description): L(--)-100 Masterplan;  
 Other - Reference No (or Description): DEVELOPMENT Brief \_ Design Code;  
 Other - Reference No (or Description): SUMMARY OF CONDITIONS;  
 Other - Reference No (or Description): VILLAGE STUDY; and  
 Other - Reference No (or Description): SITE ANALYSIS.

**Reason for Decision:**

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

- (4) **13/01409/FUR – STRAITON – Proposed meteorological mast, U104 from B741 at Holehouse Bridge – north-east to Glenhead** – Further application so as not to comply with condition (2) of planning permission (Ref: 11/01006/APP) ([link attached](#)).

**Decided:** to approve the application, subject to the condition that the approval for the proposed use is limited to two years at which date the use of the meteorological mast shall be terminated and the site shall 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. The restoration specification shall be submitted within two months of the date of this planning approval.

**Reason:**

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): 02573D0101-03 Location 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.

- (5) **13/00758/APP – LOANS – Proposed wind turbine, U105 from junction with A759 – north-east to cul-de-sac** – Erection of wind turbine ([link attached](#)).

**Decided:** to refuse the application on the grounds that the application proposal is contrary to ECON6 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5 and SERV3 of the South Ayrshire Local Plan and Scottish Planning Policy & Advice as it would have an adverse effect on aviation interests and no appropriate mitigation measures have been identified that would overcome or minimise the problem to an acceptable extent. Furthermore it is considered that the application proposal would also be contrary to the underlying principles of NPF2 which identifies Glasgow Prestwick Airport as a significant driver in the Ayrshire economy. There are no over-riding reasons to depart from development plan policy, Scottish Planning Policy or from the policy objectives of NPF2.

**List of Determined Plans:**

Drawing - Reference No (or Description): BLOCK PLAN 01/A;  
 Drawing - Reference No (or Description): LOCATION PLAN 1:2500 02/A;  
 Drawing - Reference No (or Description): LOCATION PLAN 1:25000 03/A;  
 Drawing - Reference No (or Description): TURBINE ELEV AND FOUND DETAILS1/A;  
 Drawing - Reference No (or Description): COMPARATIVE ELEVATION ELEV1/A;  
 Drawing - Reference No (or Description): FOUND AND HD BOLT ARR  
 EWP50\_24m\_F001 Rev F;  
 Drawing - Reference No (or Description): HISTORICAL ASSET PLAN HAP01-ZTV/A;  
 Drawing - Reference No (or Description): LANDSCAPE/NATURAL ASSET 1  
 NAT.LAN.01/A;  
 Drawing - Reference No (or Description): LANDSCAPE/NATURAL ASSET 2  
 NAT.LAN.02/A;  
 Drawing - Reference No (or Description): LANDSCAPE/NATURAL ASSET 3  
 NAT.LAN.03/A;  
 Drawing - Reference No (or Description): MONTAGE VIEWS & 5KM ZTV PMV01-ZTV/A;  
 Drawing - Reference No (or Description): 15KM ZTV ZTV.01/A;  
 Drawing - Reference No (or Description): WIREFRAMES 1 – 4;  
 Drawing - Reference No (or Description): WIREFRAMES 5 – 8;  
 Drawing - Reference No (or Description): WIREFRAMES 9 – 12;  
 Drawing - Reference No (or Description): WIREFRAMES 13 – 16;  
 Other - Reference No (or Description): CONSTRAINTS - WIND GRID ACCESS;  
 Other - Reference No (or Description): CULTURAL HERITAGE APPRAISAL REPO;  
 Other - Reference No (or Description): DKM AVIATION ASSESSMENT REPORT;  
 Other - Reference No (or Description): HAYES MCKENZIE - ACOUSTIC REPORT;  
 Other - Reference No (or Description): LANDSCAPE & VISUAL IMPACT ASSESS;  
 Other - Reference No (or Description): NOISE ASSESSMENT REPORT;  
 Other - Reference No (or Description): PLANNING SUPPORT STATEMENT;  
 Other - Reference No (or Description): RADAR CLUTTER ASSESSMENT 2 PART; and  
 Other - Reference No (or Description): RADAR LINE OF SIGHT ASSESSMENT.

**At this point, the time being 1.00 p.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.**

**7. Resumption of Meeting.**

The meeting resumed at 2.00 p.m.

**8. Declaration of Interest.**

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

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

The Licensing Monitoring Officer advised

- (1) that, since her last update, training for all Taxi Drivers and Private Hire Drivers was now up to date;
- (2) that Taxi Driver training must be completed within six months of a licence being granted and that all drivers who had been granted a Taxi or Private Hire Licence until 1st June 2013 had now completed the course or had their licence suspended;
- (3) that she was continuing to investigate complaints from members of the public, however, she was pleased to report that there had been only one complaint relating to taxis and private hire vehicles over the busy festive period; and
- (4) that she was currently arranging further joint inspections/investigations with officers from Police Scotland and other Council Departments for the year ahead.

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

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

**(a) Taxi Drivers.**

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

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

- (ii) Reference was made to the Minutes of 5th December 2013 (Page 5, paragraph 7(a)(v)) when it had been decided, in the absence of the applicant, to again continue consideration of this application to a future meeting of this Panel to allow the applicant to attend and the Panel heard an observation from Police Scotland and considered the application from Duncan Robinson Reid.

**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.

- (iii) The Panel heard from John Robert Clark in relation to his application.

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

- (iv) The Panel heard an observation from Police Scotland and from the applicant, Thomas Campbell Vallance in response.

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

- (v) The Panel heard the Solicitor (Licensing) outline that the applicant, Ralph Kelly had submitted a letter which was circulated to members and heard an objection from Police Scotland in relation to this application.

**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.

- (vi) 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 Solicitor (Licensing) to reinstate these licences once proof of completion of the training course had been exhibited:-

Alastair Harris;  
Kevin McWilliams;  
Simon Richard McLean; and  
Desmond Newall; and

- (B) having heard that Thomas Cairns had now completed an appropriate training course, to take no further action.

- (vii) The Panel heard an observation from Police Scotland and from Duncan Swanson Paul in response.

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



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

- (i) Reference was made to the Minutes of 7th November 2013 (Page 13, paragraph 8(c)(i)) when it had been decided, in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow the applicant to attend and the Panel then heard an observation from Police Scotland and advising of the outcome of the recent court case in relation to the applicant, Ian McIllooney.

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

- (ii) Reference was made to the Minutes of 5th December 2013 (Page 6, paragraph 7(b)(ii)) when it had been decided, in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow the applicant to attend and the Panel then heard from the applicant, James Ford Martin in relation to his application.

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

- (iii) The Panel heard the Solicitor (Licensing) outline that the applicant, had submitted a letter advising that he could not attend this meeting and the Panel then considered the application from James MacDonald Graham.

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

**(c) Taxi Vehicles.**

The Panel heard from the licence holder, Scott S. L. Vance regarding his request to allow his vehicle to be tested annually following a decision by the Panel on 21st February 2013 that his three vehicles should be tested on a four monthly cycle and a further decision by the Panel on 26th September 2013 that two of his three vehicles revert back to annual inspections.

**Decided:** that Licence 12/00639/HCVL for vehicle registration SF09 EZW, Plate 143 should now be subject to an annual inspection.

The meeting ended at 2.40 p.m.