

REGULATORY PANEL: 14 NOVEMBER 2024

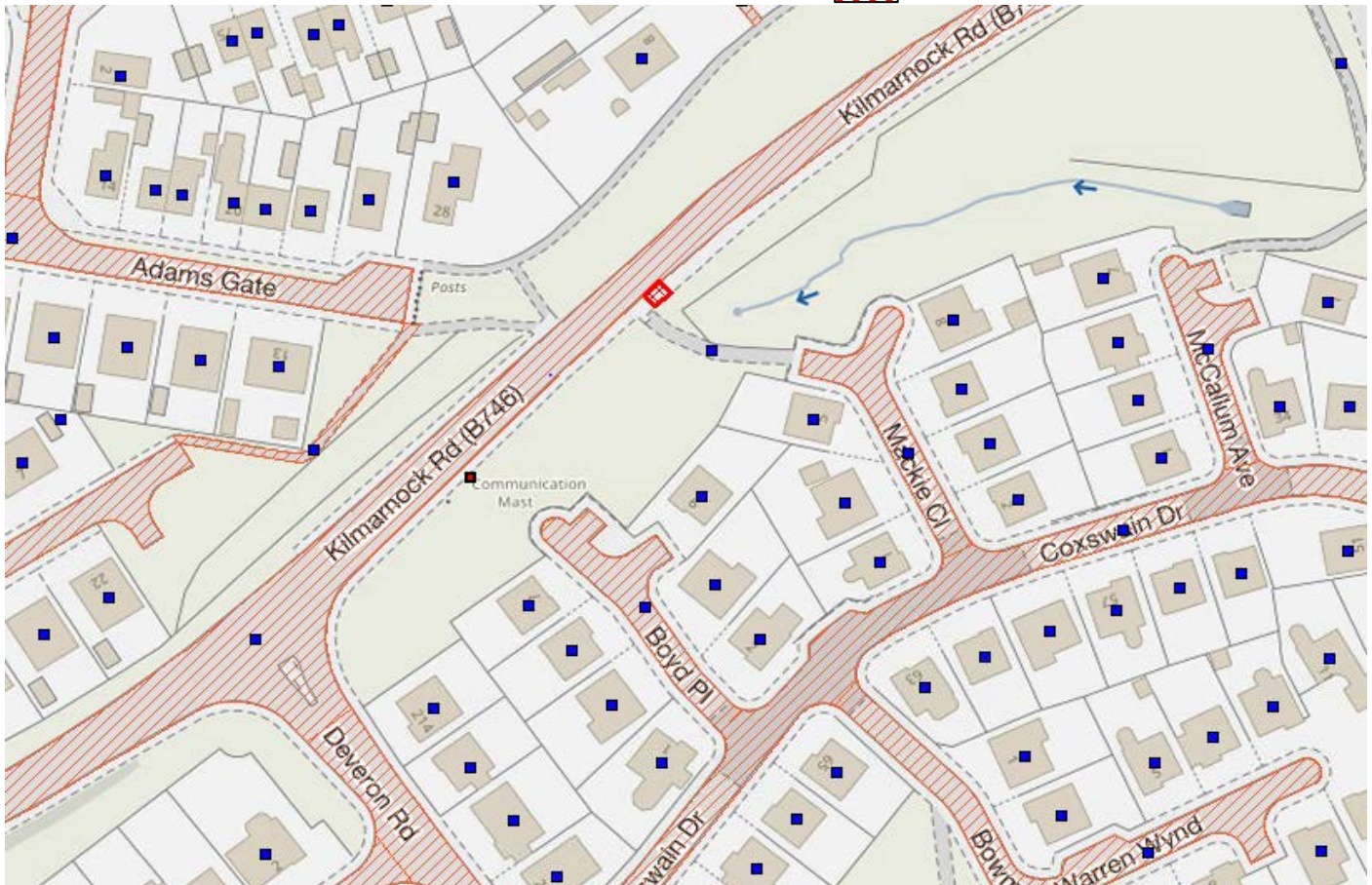
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00649/APP

PROPOSED TELECOMMUNICATIONS MAST KILMARNOCK ROAD TROON SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

Summary

Planning permission is sought for the installation of a 20-metre-high telecommunications mast and associated equipment including equipment 4 cabinets on the public footway along Kilmarnock Road (B746), Troon. The mast is to be installed as a replacement to an existing mast situated on Kilmarnock Road, approximately 60 metres to the south west of the application site.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has an ownership interest in the site, and a written objection has been received.

The applications have been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received (2 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concerns that cannot be addressed by condition. Equally, the points raised in the letter of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have an adverse impact on residential amenity at the locality.

Given this assessment and having balanced the applicant's rights against the general interest, it is recommended that the applications be approved subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 14 NOVEMBER 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	24/00649/APP
SITE ADDRESS:	Kilmarnock Road Troon South Ayrshire
DESCRIPTION:	Erection of replacement telecommunications mast and associated telecommunications equipment
RECOMMENDATION:	Approve subject to conditions

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

Key Information:

- The application was received on 29 August 2024.
- The application was validated on 29 August 2024.
- A Site Visit was carried out by the Planning Authority on 18 September 2024.
- No Neighbour Notification was required.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 24 September 2024.

1. Proposal:

The application site relates to a section of public footpath along Kilmarnock Road (B746), Troon. The site is bound by an area of open space to the south east.

The proposed development comprises of the installation of a 20-metre-high telecommunications mast and associated equipment including equipment 4 cabinets. The mast is to be installed as a replacement to an existing mast situated on Kilmarnock Road, approximately 60 metres to the south west of the application site.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has an ownership interest in the site, and a written objection has been received.

2. Consultations:

- Ayrshire Roads Alliance** – Offer no objections.
- Council's Environmental Health Service** – Offer no objections.
- Prestwick Airport** – Offer no objections.
- National Air Traffic Services** – Offer no objections.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00649/APP)

3. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

Site specific supplementary information has also been submitted, with this providing information of the telecommunications operators' requirements, and details of discounted sites. A Declaration of Conformity with ICNIRP Public Exposure Guidelines has also been submitted with this application.

4. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

5. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

6. Representations:

2 representations have been received which object to the proposed development. All representations can be viewed online at [\(Application Summary\)](#)

The issues raised by Representees relate to the following.

- Loss of open space
- Height and scale of development
- Noise nuisance
- Choice of location for development
- Previous comments of Community Council

A response to these representations is included within the assessment section of this report.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00649/APP)

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

- National Policy 14 – Design, quality and place

This Policy seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach to ensure that development proposals do not result in a detrimental impact on the quality of an area, regardless of scale.

- National Policy 24 – Digital infrastructure

This Policy seeks to encourage, promote and facilitate digital infrastructure across Scotland. Development proposals that deliver new connectivity will be supported where there are benefits of this connectivity for communities and the local economy. 24(e) outlines that development proposals for digital infrastructure will only be supported where:

- i. the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and, landscaping, taking into account cumulative impacts and relevant technical constraints;
- ii. it has been demonstrated that, before erecting a new ground based mast, the possibility of erecting antennas on an existing building, mast or other structure, replacing an existing mast and/or site sharing has been explored; and
- iii. there is no physical obstruction to aerodrome operations, technical sites, or existing transmitter/receiver facilities.

The proposed development comprises of the installation of a 20-metre-high telecommunications mast and associated equipment including equipment 4 cabinets. The mast is to be installed as a replacement to an existing mast sited approximately 60 metres to the south west of the application site.

The supporting information sets out detailed justification for the siting and design of the proposed equipment both with regard to technical requirements and visual impact. The proposed 20 m height of the structure has been determined as the absolute minimum necessary to meet the operational and technical requirements while ensuring the installation complies with the site-specific International Commission on Non-Ionizing Radiation Protection certification (ICNIRP), which sets strict safety guidelines for radio frequency exposure. The height of the structure is considered necessary to ensure that interference is avoided. The height of the mast is required to prevent an unacceptable impact on signal quality, ensuring that mobile coverage is not compromised by natural or built obstructions (e.g. trees and other tall buildings) and to support the technologies required for both 4G and 5G services. As such, the proposed height is considered to have been selected to achieve optimal signal performance, support the latest technology, and provide enhanced connectivity to the community.

The proposed development is an upgrade to the existing telecommunications infrastructure in the area. The current mast, located approximately 60 meters to the south west of the proposed installation, is approximately 15 metres in height and will be decommissioned and removed once the new structure becomes operational. The supporting information states that due to the position and technical limitations of the existing mast, including the interference of underground services including utility lines, it cannot be upgraded to support the new technologies required for improved 4G and 5G coverage. As a result, the proposed mast is considered an upgrade as the existing one will be decommissioned and removed once the new structure becomes operational.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00649/APP)

As the proposed mast is located close to the site of the existing mast and only increase the height by approximately 5 metres, it is considered that the visual impact of the structure on the locality will remain largely unchanged. The new mast will replace the old one, meaning the overall number of telecoms poles in the area will not increase. Telecoms masts are common features in streetscapes and are often seen alongside other structures with a vertical emphasis such as street lighting columns. There are numerous street lighting columns on Kilmarnock Road that measure up to 8 metres in height.

Additionally, no objections were received by either NATs or Prestwick Airport, and as such it is concluded that there shall be no physical obstruction to aerodrome operations, technical sites, or existing transmitter/receiver facilities, as a result of the proposed development.

It is therefore considered that the proposed development is compliant with NPF4, as outlined further below. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- LDP2 Strategic Policy 1: Sustainable Development
- LDP2 Strategic Policy 2: Development Management
- LDP2 Policy: Open Space
- LDP 2 Policy: Residential Policy within Settlements, Release Sites and Windfall Sites
- LDP 2 Policy: Telecommunications.

It is noted the proposed equipment is to be installed on the public footway adjacent to, rather than upon, an area of open space. The open space in question functions as a green buffer between the residential development and Kilmarnock Road. Given that the existing equipment is installed within open space close to the application site and that the proposed equipment shall be installed on the public footway, it is considered that the proposed development shall result in the return of an area of open space by removing the development. As such, the proposed equipment shall have no adverse impact on the usability or integrity of open space.

All proposals for telecommunication and other digital infrastructure development should ensure that the following options are considered when selecting sites and design base stations:

- Mast or site sharing;
- Installation on buildings or other existing structures;
- Installing the smallest suitable equipment, commensurate with technological requirements;
- Concealing or disguising masts, antennas, equipment housing and cable runs using design and camouflage techniques where appropriate; and
- Installation of ground-based masts.

As outlined above, the application submission has accompanied by a detailed justification for the chosen siting and design of the proposed equipment with consideration of both with regard to technical requirements to ensure the best connectivity for the local community and the visual/amenity impact of the proposed mast. It is therefore considered that the proposed development, being an upgrade and replacement of an existing nearby telecommunications equipment, is required due to technological requirements and shall not result in a significant detrimental impact on the amenity of the residential dwellings within the locale.

Therefore, it is not considered that there would be any adverse effect on the amenity of the surrounding locality. It is therefore considered that the proposed development is compliant with LDP2, as outlined further below.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00649/APP)

(iii) Other Policy Considerations (including Government Guidance)

Planning Advice Note (PAN) 62: Radio Telecommunications confirms the Scottish Government's intention to secure a world class telecommunications service in Scotland, whilst safeguarding the environment. It supports the sensitive siting of telecommunications equipment in both rural and urban areas as a way of allaying public concerns to this type of development. Extensive advice is given with respect to the siting and design of installations and the minimisation of the contrast between telecommunications equipment and its surroundings.

In order to comply with government policy, it is vital that material considerations such as technical and operational constraints of the proposed equipment and the lack of a more suitable alternative site in the area are given sufficient weight in the assessment of the planning application. The technical requirements of mobile communication operators are well documented within PAN 62, and it is clear that development of this nature may not always reflect immediate land uses. PAN 62 recognises that it is the technical requirements of the telecommunications operator that dictate the height and appearance of some proposed installations.

An assessment of the proposals against the provisions of the above advice is set out below.

(iv) Site History

It is noted that a Prior Notification application (24/00587/PNF) was initially submitted in August of this year for the proposed installation of replacement telecommunications apparatus. However, it was concluded that the replacement apparatus would not benefit from the permitted development rights provided for electronic communication code operators under Class 67 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. This was on the basis that 67(4)(a) permits the installation of a replacement mast which is situated within 6 metres of the location of the original mast. The proposed replacement mast in this instance shall be sited approximately 60 metres from the existing mast. As such, the proposed replacement mast would not constitute permitted development under Class 67 and an application for planning permission was required to be submitted.

The telecommunications mast and associated equipment to be replaced were originally granted planning permission in December 2004 – ref 04/01291/FUL. Subsequent Prior Notification applications were also received and approved for modifications to this equipment (Refs. 10/01480/PNF and 14/00920/PNF) under Class 67 of The GPDO 1992, as amended.

(v) Objector Concerns

- Loss of open space

This matter is addressed within section 7(i) above.

- Height and scale of development

This matter is addressed within sections 7(i) and (ii) above, and section 7(v) below.

- Noise nuisance

In terms of any potential noise that may be generated from the proposed development, the application submission outlines that the proposed mast and antennas are designed to operate silently, emitting no noise, odour, vibration, artificial light, or any form of disturbance. The only source of noise would come from a cooling fan within the equipment cabinets, which is only activated during periods of hot weather to maintain optimal equipment performance. Given the nature of the development, and the distance of approximately 32 metres to residential properties it is considered that it is unlikely to result in a statutory noise nuisance. Additionally, it is noted the Council's Environmental Health Service, who have statutory powers to investigate noise nuisance, have offered no objections to the proposed development proposals.

- Choice of location for development

It is the prerogative of the applicant to determine the location of the development for which they wish to apply for planning permission. Regardless, the application submission has been accompanied by justification for selection of the site for the proposed development.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00649/APP)

- Previous comments of Community Council

It is noted that a representee makes reference to previous comments made by Troon Community Council regarding the proposed development. However, no representation has been received with respect to this application by Troon Community Council.

(vi) Impact on the Locality

As outlined above, it is noted from the supporting documentation that alternative sites were investigated, with the site forming the basis of this application being the only viable option in respect of accessibility and coverage. As the proposed mast is located close to the site of the existing mast and only increase the height by approximately 5 metres, it is considered that the visual impact of the structure on the locality will remain largely unchanged. It is therefore considered that the proposed mast will not have a significant adverse impact on the character or visual amenity of the locale. Furthermore, telecoms masts are common features in streetscapes and are seen alongside other street furniture with a vertical emphasis including street lighting columns. In the case of Kilmarnock Road there are numerous street lighting columns measuring 8 metres in height and the mast is not expected to look out of place in this context.

Given the size, shape and overall appearance of the structure has been designed to closely resemble the existing mast to be decommissioned and that the structure shall be sited approximately 32 metres from the closest residential dwelling, with an area of open space in between, it is not considered that any significant residential amenity concerns shall arise from the proposed development.

Furthermore, it is acknowledged that no consultees, including the Ayrshire Roads Alliance, have offered any objections to the proposals.

The application has been assessed against the various material planning considerations which include the provisions of NPF4, LDP2, consultations, the history of the site and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Overall, it is considered that the proposal will not have an adverse impact on the amenity of the locality.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

8. Conclusion:

The application has been assessed against the various material planning considerations which include the provisions of NPF 4, LDP2, consultations, representations received, the site history, and the impact of the proposed development on the locality. There are no policy objections and following the above assessment, it is considered that the proposal will not have an adverse impact on the amenity of the locality.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved, subject to conditions.

9. Recommendation:

It is recommended that the application is approved with following conditions (C) and reasons (R).

- (1C) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (1R) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2C) 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.
- (2R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00649/APP)

- (3C) In the event that equipment 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.
- (3R) To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

9.1 Advisory Notes:

- (1) The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
- (2) 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.
- (3) 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.
- (4) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- (5) The existing mast and equipment should be removed in full and the ground reinstated once the replacement mast is operational.

9.2 List of Determined Plans:

Drawing - Reference No (or Description): 100 Rev. B

Drawing - Reference No (or Description): 200 Rev. A

Drawing - Reference No (or Description): 201 Rev. D

Drawing - Reference No (or Description): 300 Rev. A

Drawing - Reference No (or Description): 301 Rev. D

Supporting Information - Reference No (or Description): Design and Access Statement

Supporting Information - Reference No (or Description): Additional Supporting Statement

9.3 Reason for Decision (where approved):

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.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

Background Papers:

1. Planning application form, plans and supporting information.
2. National Planning Framework 4.
3. Adopted Local Development Plan 2.
4. Planning Advice Note (PAN) 62: Radio Telecommunications
5. Consultation Responses.
6. Representations.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00649/APP)

Integrated Impact Assessment:

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

Person to Contact:

Emma McKie, Planner (Development Management) - Telephone 01292 616 203