

County Buildings
Wellington Square
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Telephone No.01292 612436



17 March 2022

**To: Councillors Connolly (Chair), I. Campbell, Cavana, Clark, Fitzsimmons,
Kilpatrick, Mackay, McGinley and Toner**

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (PLANNING)

You are requested to participate in the above Panel to be held on **Thursday, 31 March 2022 at 10.00 a.m.** for the purpose of considering the undernoted business.

The meeting will be held remotely, the meeting will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Head of Legal, HR and Regulatory Services

B U S I N E S S

1. Welcome & Declarations of Interest
2. Minutes of previous meetings of 2 March 2022 (copy herewith)
3. Consultation under Section 37 of the Electricity Act 1989 – Application for consent under Section 37 of the Electricity Act 1989 for the proposed overhead line (OHL) from Stranoch and Chirmorie Windfarms to Mark Hill substation (16km stretch) (refs: 21/01137/DEEM, 21/01154/DEEM & 21/01164/DEEM) (copy herewith)

[Application Summary \(21/01137/DEEM\)](#)

[Application Summary \(21/01154/DEEM\)](#)

[Application Summary \(21/01164/DEEM\)](#)

4. Hearings relating to Applications for Planning Permission - Submit Reports by the Director – Place (copies herewith)

For more information on any of the items on this agenda, please telephone Andrew Gibson,
Committee Services on 01292 612436, at Wellington Square, Ayr or
e-mail: frances.maher@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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REGULATORY PANEL (PLANNING)

Minutes of Meeting held remotely
on 2 March 2022 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons, Mary Kilpatrick, Brian McGinley, Craig Mackay and Margaret Toner.

Attending: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); A. Edgar, Supervisory Planner; K. Braidwood, Ayrshire Roads Alliance; L. Reid, Assistant Director – Place; F. Ross, Co-ordinator (Legal Services, Property and Contracts); F. Maher Committee Services Officer; C. Buchanan, Committee Services Officer; E. Moore, Clerical Assistant.

In Attendance: Agents to address the Panel.

1. **Welcome & Declarations of Interest**

The Chair welcomed everyone to the meeting and took the sederunt. 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 3 February 2022 (issued) were submitted and approved.

3. **Application for Planning Permission**

There were submitted reports (issued) of January 2022 by the Director - Place on a planning application for determination.

The Panel considered the following application:

- (1) **21/01153/APPM – Arran Mall, Alloway Street, Ayr** – Erection of a sports, leisure and fitness facility (Class 11), shops (Class 1), cafe (Class 3), Office (Class 4), non-residential institutions (Class 10); demolition works; car parking, servicing and access arrangements; hard and soft landscaping, public realm; and, other associated works and infrastructure.

21/01140/LBC – Arran Mall, Alloway Street, Ayr - Internal and external alterations and extension associated with development of a sports, leisure and fitness facility and associated development.

Decided:- to approve application (Ref: **21/01153/APPM**) subject to the following conditions:

Transportation

- (1) That before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan
- (2) That prior to commencement of operation of the development, a draft of the Members Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development site, including journey times by sustainable modes of transport to key local destinations. Thereafter, any new member will be provided with a copy of a Member Travel Pack as part of any induction/ welcome pack information.
- (3) That prior to the commencement of construction works on site an amended access junction design for the proposed Dalblair Road access shall be submitted for the prior written approval of the Council as Roads Authority. The junction layout shall require to accord with the Council's National Roads Development Guide, and clearly prioritise pedestrian movements over vehicles
- (4) That prior to the commencement of construction works on site, further details of all proposed alterations to public road on Alloway Street associated with the development including the access junction, bus stop provision, loading bay details, and controlled pedestrian crossing shall be submitted for the prior written approval of the Council as Roads Authority
- (5) That prior to occupation of the development any proposed gates shall be set back a minimum of 6 metres from the rear of the public footway/ roadway, and open inwards away from the public roadway.
- (6) 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 Council as Planning Authority (in consultation with the Council as Roads Authority) before any construction work commences on site.
- (7) That defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council
- (8) That a maximum of 81 off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Fully dimensioned details of parking

layouts designed to comply with the guidance set out in the Council's National Roads Development Guide shall be submitted for the prior written approval of the Council as Roads Authority prior to the commencement of construction works on site

- (9) The applicant/ developer shall, prior to the opening of the development to the public, submit a Parking Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the arrangements for the management of overspill parking to the development at periods of peak demand associated with typical development operation, and shall set out proposed measures and initiatives to aid in management of development parking.
- (10) That cycle parking accommodating a minimum of 30 cycles (20 spaces adjacent to Alloway Street, and 10 spaces adjacent to Dalblair Road) shall be provided within the site boundary. Precise details of the siting and specifications of the cycle stand(s) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any construction work commences on site
- (11) That land be safeguarded within the site boundary to accommodate the future expansion of cycle parking, as required. Precise details of the area to be retained for potential further cycle parking provision shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any construction work commences on site
- (12) That prior to the occupation of the development, details of the location of the bin collection point(s) shall be submitted to and approved by the planning authority. Any such details shall show a collection point(s) positioned no more than 15 metres from the public road carriageway.
- (13) The applicant/ developer shall, prior to the opening of the development to the public, submit an Event Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the arrangements for the management of trip generation associated with events to the development of varying sizes and frequencies, including any proposed traffic management measures, parking management, coach pick-up and drop-off arrangements, etc.
- (14) No work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details that shall be submitted for the written approval of the Council as Roads Authority prior to its installation, if required for that phase. When required, such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality.
- (15) The applicant/ developer shall submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the movement of works traffic to and from the site during both

demolition and construction works, and shall include agreement on suitable routes to and from the site and a works programme showing a breakdown of estimated daily trips by vehicle classification. The Construction Traffic Management plan shall require the agreement of the Council as Roads Authority prior to any movement of works traffic associated with demolition or construction.

SUDS

- (16) That a suitable Sustainable Urban Drainage System shall be designed and constructed in accordance with the recommendations of the Drainage Assessment Document Reference Report Ref No ALC-GAL-XX-XX-RP-C-0001, Issue 01 - 09/11/21, The Terrenus Land & Water Level 1 Flood Risk Assessment 8th September 2020, the SUDS Manual CIRIA C735 and other relevant guidance. The Sustainable Urban Drainage System shall be designed to ensure that infrastructure and buildings are generally free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1 in 200 years + Climate Change calculated in accordance with the SEPA Climate Change Allowance (2019) Guidance). If the chosen Sustainable Urban Drainage System solution requires discharge to an open watercourse then this discharge rate shall be agreed with the Flood Risk Management Authority.

Archaeology

- (17) 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. 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.

Environmental Health

- (18) Prior to the commencement of construction works on-site, a noise assessment shall be undertaken and submitted to the Planning Authority to determine the likelihood of noise impact detrimental to the residential amenity of nearby dwellings from the proposed fixed plant on noise sensitive receptors. The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, and shall include all relevant noise sources that may impact on the noise sensitive receptors using the current British Standard (or as may be amended). Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows:

- I. LAEQ16hrs 35dB (0700-2300) internal noise level
- II. LAEQ 8hrs 30dB (2300-0700) internal noise level
- III. LAMAX 45dB (2300-0700) internal noise level
- IV. LAEQ 16hrs 50dB (0700-2300) internal noise level

In addition, the significance of effect to be no greater than neutral as per Technical Advice Note Assessment of Noise (TAN) Table 3.5 page 20. Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open sufficiently for ventilation (normally 10% of the opening area). The report requires to demonstrate that plant associated with the development meets noise rating criteria 25 when measured within a habitable room of the nearest noise sensitive dwelling with windows open sufficiently for ventilation shall be submitted for the formal prior written approval of the Council as Planning Authority. The report shall include details of any mitigation measures necessary to achieve the target noise levels detailed above. The approved mitigation measures shall be fully implemented upon completion of the development and maintained thereafter in perpetuity.

Landscaping

- (19) That notwithstanding approved drawings ALC-TGP-ZZ-ZZ-DR-L-0004 ALC-TGP-ZZ-ZZ-DR-L-0001 before any construction works start on site, revised detailed landscape plans incorporating a substantial reduction in the quantity of herbaceous perennial plants and replacement with a wider variety of deciduous and evergreen shrubs and bulbs that will provide all year round interest and offer some form and structure, shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m2. The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard.

External Materials

- (20) That before any construction work commences on site, 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.
- (21) Prior to the commencement of works to remove and replace the existing shop display windows at 30 Alloway Street and 22 to 28 Alloway Street, full details of the proposed replacement shopfront glazing, stallriser, pilasters, pedestal base and fascia, including 1:20 scale elevation plans and 1:1 or 1:5 or 1:10 scale typical cross sections and samples of the materials to be used and colours shall be agreed in writing with the Council as Planning Authority.
- (22) Prior to the commencement of stone repair work on 30 Alloway Street and 22 to 28 Alloway Street details of the methods of cleaning and repairing the stonework shall be agreed in writing with the Council as Planning Authority. Such details shall include the results of petrographic analysis of the existing stone and any stone indents to ensure that any indents match closely the original stone colour and texture
- (23) Following demolition of the rear extensions at 30 Alloway Street and 22 to 28 Alloway Street and prior to the formation of the new exterior walls, further detailed elevational drawings shall be submitted to and approved by the planning authority showing the treatment of Hourstons west and south elevations and in particular the treatment of the junctions between sections of new cladding and the original stonework.
- (24) Prior to the occupation of the approved sports, leisure and recreation centre, the works to repair and restore the original windows, cornice and balustrade, iron balconies and plaques, decorative capitals and other decorative features including the Arts and Crafts period sundial in 30 Alloway Street and 22 to 28 Alloway Street as detailed within the approved plans and supporting documents shall be completed to the satisfaction of the Council as Planning Authority.

Reasons

1. To encourage sustainable means of travel.
2. To encourage sustainable means of travel.
3. In the interest of road safety and to ensure an acceptable standard of construction.
4. In the interest of road safety and to ensure an acceptable standard of construction.
5. In the interest of road safety.
6. In the interest of road safety and to avoid the discharge of water onto the public road.
7. In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.

8. In the interest of road safety and to ensure adequate off-street parking provision.
9. In the interest of road safety.
10. To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel.
11. To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel.
12. In the interests of road safety.
13. In the interests of road safety.
14. In the interests of road safety.
15. In the interests of road safety.
16. To ensure the site is drained in an acceptable and sustainable manner.
17. To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.
18. In order to ensure that the residential properties adjoining the site are not adversely affected by noise nuisance.
19. In the interest of visual amenity.
20. To ensure that materials are appropriate for the site and in the interests of visual amenity.
21. To safeguard the character and appearance of the listed building.
22. To safeguard the character and appearance of the listed building.
23. To safeguard the character and appearance of the listed building.
24. In order to ensure that the proposed restoration works are carried out timeously.

Advisory Notes:

(1) Scottish Water

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

SW Public General

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude. Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments.

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non-Domestic Property

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here.

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

(2) Ayrshire Roads Alliance

Road Opening Permit:

That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.

Roads (Scotland) Act:

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.

New Roads and Street Works Act 1991:

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.

Costs of Street Furniture:

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

Costs of TROs:

The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant - including any relevant road signs and markings.

Signage to TSRGD 2016:

The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.

RSA Stage 2:

The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges shall be completed and submitted for the prior written approval of the Council as Roads Authority. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Council as Roads Authority & the applicant.

RSA Stage 3:

The Council as Roads Authority advises that a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted for the prior written approval of the Council as Roads Authority no later than 1 month after completion of the development, unless an alternative time period is approved. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

Footway/ Carriageway Reinstatement:

The Council as Roads Authority advises that the applicant/ developer will be responsible for the reinstatement of the public footway/ carriageway along the entire frontage of the site in compliance with the Council's National Roads Development Guide.

(3) South Ayrshire Council Biodiversity Officer

1. That the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).
2. That the applicant is made aware that works should not lead to contravention of the Habitats Directive / Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
3. That the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.
4. If there is a requirement for any tree felling then it may be appropriate for the developer to conduct a survey (in season) for potentially roosting bats / nesting birds.
5. If a bat survey demonstrates that bats and / or a known roost are likely to be affected by the proposed development and planning permission is to be granted then a condition should be placed on the decision notice requiring the developer to apply for, and obtain, a European Protected Species Licence (EPS) before work commences.
6. If a bat survey demonstrates that development is likely to affect bat foraging and/or commuting habitat then where possible linear features such as tree lines should be retained, and compensatory planting should be considered.

7. If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
8. Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.
9. Where possible the developer considers the inclusion of bird and bat boxes within the development.
10. If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist provides input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
11. If an EPS licence is required further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application. Application forms can be found on the SNH website along with guidance.
12. Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this.
13. Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.
14. Should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.
15. Where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
16. That where possible any landscape planting considers the use of native nectar rich species and fruiting species. These might include Blackthorn (*Prunus spinose*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*). * Applicable to sites > 13km distance from Prestwick Airport.
17. All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
18. The ends of any pipeline should be capped when unattended, or at the end of each working day to prevent animal access.

(4) Glasgow Prestwick Airport

Cranes

Guidance should be considered relevant to users of all cranes exceeding a height of 10 metres above ground level (AGL) or that of the surrounding structures or trees (if higher), within 10 Nautical Miles (NM) / (18.5km) of the aerodrome. For guidance to crane users on the crane notification process and obstacle lighting and marking please refer to CAA CAP Document 1096 which is available at: <http://www.caa.co.uk>. Please be aware any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.

List of Determined Plans:

- Drawing - Reference No (or Description): ALC-LAA-XX-XX-SK-A-00161 Sun Path P01
- Other - Reference No (or Description): Acoustic Assessment
- Other - Reference No (or Description): Archaeological Assessment
- Other - Reference No (or Description): Conservation Statement
- Other - Reference No (or Description): Description of Proposed Works to Facade
- Other - Reference No (or Description): Design _ Access Statement
- Other - Reference No (or Description): Drainage Assessment
- Other - Reference No (or Description): Ecological Assessment _ Roost Assessment
- Other - Reference No (or Description): Flood Risk Assessment
- Other - Reference No (or Description): Geotechnical Report
- Other - Reference No (or Description): Heritage Audit
- Other - Reference No (or Description): PAC Report
- Other - Reference No (or Description): Planning Statement
- Other - Reference No (or Description): Sustainability Statement
- Other - Reference No (or Description): Transport Assessment
- Other - Reference No (or Description): Tree Survey Report
- Other - Reference No (or Description): Utility -& Energy Infrastructure Report
- Drawing - Reference No (or Description): ALC-LAA-LC-ZZ-DR-A-01400 Detail Section 01 - Foyer P01
- Drawing - Reference No (or Description): 2007-LAA-XX-00-DR-A-E0020 Site Plan Existing P06
- Drawing - Reference No (or Description): 7802/03 Hourstons Elevations Proposed a
- Drawing - Reference No (or Description): Hourstons Floorplans Existing P01
- Drawing - Reference No (or Description): ALC-LAA-LC-ZZ-DR-A-01401 Detail Section 02 - Fitness/Room Changing P01
- Drawing - Reference No (or Description): ALC-LAA-LC-ZZ-DR-A-01402 Detail Section 01 - Main Pool P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-00-DR-A-01101 Ground Floor Proposed P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-01-DR-A-01102 Proposed First Floor Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-B1-DR-A-01100 Proposed Basement Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-LP-DR-A-01000 Proposed Location Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-LP-DR-A-E0001 Existing Location Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-RF-DR-A-01103 Proposed Roof Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-SP-DR-A-01020 Proposed Site Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-SP-DR-A-E0002 Existing Site Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-00500 Site Demolition Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01200 Proposed East Elevation P01

Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01201 Proposed South _ North Elevations P01
Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01205 Proposed West _ Hourstons Elevations P01
Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01300 Proposed Sections 01-02 P02
Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01301 Proposed Sections 03-04 P02
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0001 Landscape Masterplan P19
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0004 Masterplan Planting Design P04
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0006 Park Ramp Elevation P01
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0007 Fencing Concepts P00
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0008 Vegetation Management Plan P01
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-RP-L-0009 Rendered Masterplan

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.

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

Decided:- to approve application (Ref: **21/01140/LBC**) subject to the following conditions:1/ Prior to the commencement of works to remove and replace the existing shop display windows at 30 Alloway Street and 22 to 28 Alloway Street, full details of the proposed replacement shopfront glazing, stallriser, pilasters, pedestal base and fascia, including 1:20 scale elevation plans and 1:1 scale typical cross sections and samples of the materials to be used and colours shall be agreed in writing with the Council as Planning Authority.

2/ Prior to the commencement of stone repair work on 30 Alloway Street and 22 to 28 Alloway Street details of the methods of cleaning and repairing the stonework shall be agreed in writing with the Council as Planning Authority. Such details shall include the results of petrographic analysis of the existing stone and any stone indents to ensure that any indents match closely the original stone colour and texture.

3/ Following demolition of the rear extensions at 30 Alloway Street and 22 to 28 Alloway Street and prior to the formation of the new exterior walls, further detailed elevational drawings shall be submitted to and approved by the planning authority showing the treatment of Hourstons west and south elevations and in particular the treatment of the junctions between sections of new cladding and the original stonework.

4/ prior to the occupation of the approved sports, leisure and recreation centre, the works to repair and restore the original windows, cornice and balustrade, iron balconies and plaques, decorative capitals and other decorative features including the Arts and Crafts period sundial in 30 Alloway Street and 22 to 28 Alloway Street shall be completed to the satisfaction of the Council as Planning Authority.

Reasons:

- 1/ To safeguard the character and appearance of the listed building
- 2/ To safeguard the character and appearance of the listed building
- 3/ To safeguard the character and appearance of the listed building
- 4/ In order to ensure that the proposed restoration works are carried out timeously

List of Determined Plans:

- Drawing - Reference No (or Description): ALC-LAA-XX-XX-SK-A-00161 Sun Path P01
- Other - Reference No (or Description): Acoustic Assessment
- Other - Reference No (or Description): Archaeological Assessment
- Other - Reference No (or Description): Conservation Statement
- Other - Reference No (or Description): Description of Proposed Works to Facade
- Other - Reference No (or Description): Design _ Access Statement
- Other - Reference No (or Description): Drainage Assessment
- Other - Reference No (or Description): Ecological Assessment _ Roost Assessment
- Other - Reference No (or Description): Flood Risk Assessment
- Other - Reference No (or Description): Geotechnical Report
- Other - Reference No (or Description): Heritage Audit
- Other - Reference No (or Description): PAC Report
- Other - Reference No (or Description): Planning Statement
- Other - Reference No (or Description): Sustainability Statement
- Other - Reference No (or Description): Transport Assessment
- Other - Reference No (or Description): Tree Survey Report
- Other - Reference No (or Description): Utility & Energy Infrastructure Report
- Drawing - Reference No (or Description): ALC-LAA-LC-ZZ-DR-A-01400 Detail Section 01 - Foyer P01
- Drawing - Reference No (or Description): 2007-LAA-XX-00-DR-A-E0020 Site Plan Existing P06
- Drawing - Reference No (or Description): 7802/03 Hourstons Elevations Proposed a
- Drawing - Reference No (or Description): Hourstons Floorplans Existing P01
- Drawing - Reference No (or Description): ALC-LAA-LC-ZZ-DR-A-01401 Detail Section 02 - Fitness/Room Changing P01
- Drawing - Reference No (or Description): ALC-LAA-LC-ZZ-DR-A-01402 Detail Section 01 - Main Pool P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-00-DR-A-01101 Ground Floor Proposed P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-01-DR-A-01102 Proposed First Floor Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-B1-DR-A-01100 Proposed Basement Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-LP-DR-A-01000 Proposed Location Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-LP-DR-A-E0001 Existing Location Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-RF-DR-A-01103 Proposed Roof Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-SP-DR-A-01020 Proposed Site Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-SP-DR-A-E0002 Existing Site Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-00500 Site Demolition Plan P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01200 Proposed East Elevation P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01201 Proposed South _ North Elevations P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01205 Proposed West _ Hourstons Elevations P01
- Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01300 Proposed Sections 01-02 P02

Drawing - Reference No (or Description): ALC-LAA-ZZ-ZZ-DR-A-01301 Proposed Sections 03-04 P02
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0001 Landscape Masterplan P19
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0004 Masterplan Planting Design P04
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0006 Park Ramp Elevation P01
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0007 Fencing Concepts P00
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-DR-L-0008 Vegetation Management Plan P01
Drawing - Reference No (or Description): ALC-TGP-ZZ-ZZ-RP-L-0009 Rendered Masterplan

Reason for Decision:

It is considered that the proposal does not detrimentally affect the traditional character or appearance of this statutorily listed building.

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development in Planning application report (21/01153/APPM and 21/01140/LBC) is not considered to give rise to any differential impacts on those with protected characteristics.

The meeting ended at 11:29am



REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 31 MARCH 2022

SUBJECT: CONSULTATIONS UNDER SECTION 37 OF THE ELECTRICITY ACT 1989

THREE APPLICATIONS UNDER S37 OF THE ELECTRICITY ACT 1989 (AS AMENDED) FOR PROPOSED 132kV WOOD POLE OVERHEAD LINE (OHL) TO CONNECT THE CONSENTED STRANOCH WINDFARM AND THE CONSENTED CHIRMORIE WINDFARM TO THE EXISTING SUBSTATION SITE AT MARK HILL, NORTH OF BARRHILL.

REFS: 21/01154/DEEM, 21/01137/DEEM AND 21/01164/DEEM

1. Purpose

South Ayrshire Council has been consulted by the Scottish Government, under Section 37 of the Electricity Act 1989, on three applications by Scottish Power Energy Networks (SP Energy Networks) to install an Overhead Line (OHL) which would connect the consented Stranoch Wind Farm and consented Chirmorie Wind Farm to the existing substation site at Mark Hill. The Council is not the determining authority for these proposals, and it should be noted that this report recommends consultation responses to the Scottish Government (more specifically the Energy Consents Unit - ECU). The Planning Service has delegated authority to respond to these consultations, but in this instance has chosen not to do so without first referring the matter to Regulatory Panel due to community interest to elements of the Overhead Line Proposals (OHL). The initial deadline for the Council's consultation responses to the ECU was the 15th February 2022; however, the Council requested additional time in order to take the recommendation to Regulatory Panel, with the ECU granting an extension until the 31st March 2022.

2. Recommendation

It is recommended that the Council:

- **Submits this report as its observations on the three proposed Section 37 applications and that no objections be raised to each of these.**
- **Approves delegated authority to conclude planning conditions with the Energy Consents Unit should the Scottish Government be minded to grant consent for the three Section 37 applications.**

3. Background

Scottish Power Energy Networks (SP Energy Networks) is proposing to construct and operate a new 16km, 132 kV wood pole overhead line (OHL) to connect the consented Stranoch Windfarm and the consented Chirmorie Windfarm to the existing substation site at Mark Hill, north of Barrhill in South Ayrshire.

It is important to note that as part of the earlier Environmental Impact Assessment (EIA) Screening Opinion Request for this OHL project, the proposals were presented to the ECU and South Ayrshire Council as one whole, single, and all-encompassing development and this included all of the distinct sections of the OHL set out in the proceeding sub-sections below. Notwithstanding this, the applicant has made the decision to sub-divide the project and submit three separate Section 37 applications to the ECU as it is their intention to deliver the overall OHL project on a phased basis. It is their view that by splitting the overall OHL project into three distinct sections covered through three separate Section 37 applications, this will assist them in delivering the phased programming as well as aid the ECU and all other stakeholders in their assessment of the proposal overall.

Whilst the three Section 37 applications cover different sections and stretches of the wider OHL project along its 16km route, it is also relevant to highlight that they are intrinsically linked and are fundamentally dependent upon one another in terms of delivering electricity connections between the wind farms to Mark Hill substation. Therefore, the information provided in support of each of the three Section 37 applications is consistent and essentially forms a consolidated and inclusive package of assessment which considers the OHL as one project overall (similar to that which was presented at EIA Screening Opinion stage).

4. Development Proposal

The development is required to facilitate the electricity connection of a 132kV OHL associated with Mark Hill to Chirmorie and Stranoch Windfarms respectively. The OHL will extend approximately 16km in length overground, with the final 100 metres on approach to Mark Hill to be installed underground. The underground cable section from pole 001 to Mark Hill substation is to be installed as permitted development under Part 13, Class 40 of the Town and Country Planning (General Permitted Development)1992, (Scotland) Order. Therefore, this underground section does not form part of the assessment contained within this Panel report.

The OHL Proposal subject to three Section 37 applications would begin at the consented Stranoch wind farm substation located in Dumfries and Galloway Council where it would run southeast to Maurs Cairn then turn northeast until Corly Craig. At northwest of Corly Craig, the proposed development then continues north-northeast across a few watercourses and a train line where it soon enters South Ayrshire Council boundary until it would reach pole 119 situated to the east of the consented Chirmorie wind farm. This section from where it enters South Ayrshire Council administrative boundary until pole 119 constitutes application 21/01154/DEEM.

The next section of the OHL starts at the consented Chirmorie Wind Farm substation and from there it runs slightly southeast then turns northeast into pole 119. This section is the shortest of the three and only extends 200 metres. This constitutes application 21/01137/DEEM.

The final section of the proposed OHL connects pole 119 to pole 001 which is less than 100m south of the existing Mark Hill substation. From pole 119, the proposed development travel northeast, after crossing Laggish Burn and follows a minor road through Arecleoch Forest. Approximately 500 metres after Arecleoch Forest, the proposed development turn northeast towards Barrhill. After crossing both the B7027 and A714 roads southeast of Barrhill, the proposed development travels north to follow a minor road into a strip of forestry. After the strip of forestry, the proposed development travels northwest until Mill Loch then turns north/ northeast into pole 001. This constitutes application 21/01164/DEEM.

Details of each of the three Section 37 applications consultations are provided below:

- SAC Planning Reference: 21/01154/DEEM
- ECU Planning Reference: ECU00003362
- ECU Project Name: Overhead line connection from Stranoch Wind Farm Substation to pole 119.
- Proposal: Consent for the installation of 5.9km of 132kV overhead line supported on wood poles between the Stranoch wind farm substation located approximately 11km northeast of Cairnryan (within Dumfries and Galloway Council boundary) and pole 119 located approximately 6km southwest of Barrhill, Girvan.

- SAC Planning Reference: 21/01137/DEEM
- ECU Planning Reference: ECU00003363
- ECU Project Name: Overhead line connection from Chirmorie wind farm substation to pole 119.
- Proposal: Consent for the installation of 200m of 132kV overhead line supported on wood poles between the Chirmorie wind farm substation, located approximately 6.2km southwest of Barrhill, Girvan and pole 119, located approximately 6km southwest of Barrhill, Girvan.

- SAC Planning Reference: 21/01164/DEEM
- ECU Planning Reference: ECU00003364
- ECU Project Name: Overhead line for Stranoch and Chirmorie shared connection from pole 119 to 001 (Mark Hill substation).
- Proposal: Consent for the installation of 11.25km of 132kV overhead line supported on wood poles between Pole 1, located approximately 4 km north of Barrhill, Girvan, and pole 119, located approximately 6km southwest of Barrhill, Girvan.

In total, 181 wood pole structures are to be erected and there are 2 forms of poles proposed, 'double' and 'four' pole tee-in arrangements. The 'four' pole tee arrangements are only used at isolated points to consolidate connect to the wind farm sites specifically. The individual poles are wooden and seasoned/treated with preservatives, they are dark brown in appearance, and this would weather to a silver/grey 5 years after installation. Each pole is topped with a galvanised steelwork cross-arms and insulators that will suspend and carry a single three-phase circuit (three metal alloy conductors) in a flat formation (i.e. all at the same height). The poles are typically 12.1 metres in height above the ground: however, this may increase depending on location (e.g. if it is crossing over water course). The minimum required height clearance for 132kV line is 6.7m over normal land and roads, excluding heavy use roads where 7.1m clearance is required. The spacing distance between the poles varies depending on the topography, altitude and land usage and in this case, distances will range from between 60m and 110m along the route. The lifespan and operational period of the OHL subject to the three Section 37 applications will be 40 years.

5. Applicant's Supporting Information

Environmental Appraisal: This document was requested by the ECU as part of the EIA Screening Opinion process. Whilst the ECU found the proposals not to constitute an EIA development, they considered that an Environmental Appraisal should still be provided to consolidate the consideration of potential impacts and mitigation required. The Environmental Appraisal provides an environmental evaluation of the proposals and includes the following chapters: Planning History, Principle of Development, Route Selection and Alternative Options, Landscape and Visual Impact, Cultural Heritage, Ecology and Ornithology, Hydrology and Hydrogeology, Forestry Impacts and Schedule of Mitigation. Following detailed assessment, the document concludes that there are no unacceptable environmental effects subject to certain forms of mitigation and that the development is essential necessary infrastructure to support consented windfarms. These topics are addressed within the assessment section of this report.

Figures: A series of figures, photomontages and wire-line diagrams of the OHL along the full 16km length have been provided as appendices to support the Landscape and Visual Impact assessment chapter of the Environmental Appraisal. These are included to evidence the likely impact the proposals will have on the landscape and on visual amenity from public viewpoints, including the local public road network and scattered residential properties to the east of the settlement of Barrhill.

Location Plans/Site Plans: This comprises of 12 plans of varying scale and detail which plot the route of the OHL from Stranoch windfarm in Dumfries and Galloway Council up to Mark Hill substation in South Ayrshire Council boundary.

EIA Screening Opinion Response Letter: This is a copy of the response issued by the ECU which confirms that the proposals are not considered to constitute an EIA development. The letter is included to evidence that the applicant has fulfilled the expected requirements of the ECU in the Environmental Appraisal supplied.

6. Planning History

Section 36 Consent and deemed planning permission was granted by the Scottish Government in July 2016 for the construction and operation of Stranoch Wind Farm in Dumfries and Galloway. The consented wind farm comprises up to 24 turbines and has a potential installed capacity of up to 72 MW. Section 36 Consent was also granted by the Scottish Government in July 2018 for the construction and operation of Chirmorie Wind Farm in South Ayrshire Council. This consent comprises 21 turbines and has a potential installed capacity of up to 80 MW. In addition to these wind farms, planning permission (21/00214/APPM) was also granted by South Ayrshire Council under delegated powers in June 2021 for the erection of a new substation platform extension, two new transformers, associated switching stations and a control building, perimeter footpath and palisade fencing, access track and drainage channel at Mark Hill substation.

As previously outlined, the proposals subject to the three Section 37 applications are for the installation of sections of OHL to support these consented wind farms by connecting them both to the transmission network at Mark Hill substation. As set out above, an EIA Screening Opinion under the Electricity Works Environmental Impact Assessment (Scotland) Regulations 2017 was issued by the Scottish Government in June 2019 for the overall OHL project. The ECU found that the proposed OHL subject to the three Section 37 applications is not an EIA development.

7. Consultations

Environmental Health: No objections.

8. Development Plan

Section 25 of the Town and Country Planning (Scotland) Act 1997(as amended) requires that decisions on proposals for development are made in accordance with the development plan unless material considerations indicate otherwise. The primary policy consideration is LDP Policy: Renewable Energy. However, the policies listed below are also of relevance and are taken into consideration in the assessment set out in Section 9.

- LDP Policy: Spatial Strategy
- LDP Policy: Sustainable Development
- LDP Policy: Landscape Quality
- LDP Policy: Landscape Protection
- LDP Policy: Water Environment
- LDP Policy: Air, Noise & Light Pollution
- LDP Policy: Renewable Energy
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport
- LDP Policy: Outdoor Public Access & Core Paths

The proposal is considered to be consistent with the relevant policies of the Local Development Plan 1 (LDP1).

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP2) and issued its Examination Report on 10th January 2022. At a special meeting of the Council on 10 March 2022, Members accepted the modified LDP2 and approved it for submission to Scottish Ministers as the Council's intended adopted Local Development Plan. LDP2 now forms a substantial material consideration in the determination of planning applications.

With respect to the proposed development, policies contained within LDP2 are not at significant variance with those of the adopted LDP1.

9. Assessment

Principle and Need

Scottish Power Transmission Plc (SPT) is the transmission license holder in southwest Scotland and has a duty under Section 9 of the Electricity Act 1989 to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and to facilitate competition for generation and supply of electricity. SPT is responsible for the delivery of the transmission network on behalf of SP Energy Networks and the company also has obligations to offer non-discriminatory terms for connection to the transmission system, both for new generation and for new sources of electricity demand. SP Energy Networks is also responsible for developing the transmission system and connecting new demand and generation to the grid network in accordance with the GB Security and Quality of Supply Standards.

In this case, SP Energy Networks received a grid connection request from National Grid Electricity Transmission (NGET) to connect the consented Stranoch Wind Farm. SP Energy Networks also received a grid connection request from NGET to connect the proposed Chirmorie wind farm soon after. In response to this, SP Energy Networks have advised that they are obliged to provide a connection for wind farms which lies within the area covered by their license.

As part of the Environmental Appraisal, consideration of the 'Do Nothing' scenario has been included and this is standard part of the assessment which essentially sets out a hypothetical alternative that provides a context for understanding the implications of not fulfilling the proposed connections. The assessment as part of the 'Do Nothing' scenario sets out that nearby existing Arecleoch and Kilgallioch wind farm grid connections were confirmed as not having sufficient capacity to allow the Stranoch wind farm connection to be connected to either (the Arecleoch wind farm connection is already consolidated with the Glen App wind farm connection). A direct connection into the existing 275 kV steel tower line somewhere other than Mark Hill substation was also discounted at the engineering design stage due to the necessity for a new substation and the comparative cost of this. Therefore, it was determined that Stranoch Wind Farm would require its own separate connection to the transmission grid network and that there were opportunities to pair this with the simultaneous request in terms of the connection for Chirmorie Wind Farm.

Given the lack of alternatives and options, it is concluded in the assessment that the 'Doing Nothing' scenario would lead to a breach of SPT licence obligations, in failing to provide connection options to generators and leaving the network vulnerable to unreliability. Therefore, in response to the requests received and in order to fulfil statutory requirements, SP Energy Networks are proposing to provide a new consolidated, co-ordinated, economical system of electricity grid connection solution (through these three Section 37 applications) for the consented Chirmorie Wind Farm in parallel with the consented Stranoch Wind Farm in order to deliver efficiency and minimise the need for a series of new transmission infrastructure.

The basis and principle for delivering the OHL subject to these three Section 37 applications is noted and the need for a new OHL to be delivered in this instance is considered to be justified based on the summary of information above.

Route Selection and Alternative Route Options

The Environmental Appraisal includes a specific chapter dedicated to evidencing the rationale for the route and alignment of the overall OHL as proposed through the three Section 37 applications. Whilst a number of indicative options were initially considered, due to a mixture of environmental, technical and economic reasons it is understood that the appraisal was further refined down to 3 route options which were deemed to be realistically feasible and achievable (this included the route selected and proposed through these 3 Section 37 applications).

As previously set out, SP Energy Networks is obliged under Section 9 of the Electricity Act 1989 'to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and to facilitate competition in the supply and generation of electricity'. In addition, SP Energy Networks has a duty under Schedule 9 of the Electricity Act 1989 to take account of 'the desirability of preserving natural beauty, of conserving flora, fauna, geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic interest and sites and structures of archaeological interest'. As part of the Act, SP Energy Networks are required to consider environmental, technical and economic matters, and reach a balance between them including being able to evidence that they have taken reasonable steps to mitigate the effects of its proposals. This means that a proposed route requires to be the one, selected after an appraisal of a number of route options, which balances technical feasibility and economic viability with the least disturbance and minimising impact and interactions with sensitive environments, cultural assets, and communities.

It is clear from review of the assessment that the route as proposed and subject to these three Section 37 applications is the most appropriate option of the three optional routes considered. Whilst the chosen route does travel through the edge of the settlement on Barrhill on the eastern side, it is apparent from review of the other two options that this would essentially be unavoidable with both of these routes also required to intersect by Barrhill albeit on the western side of the village. The differentiator in this case however is that the other two options in both instances are longer than the route selected, with one of the options requiring significant tree felling of the Arecleoch forest to accommodate the proposed OHL. Alongside the economic and forestry issues, the other two options were also demonstrated to have greater visual amenity and landscape impacts, were found to be closer to ecology designations (including the Glen App and Galloway Moors Special Protection Area) and also had greater risk of affecting cultural heritage features in the southern part of the study area.

Given the above, it is considered that it has been sufficiently evidenced that the route as proposed through these three Section 37 applications is the most appropriate in this instance. OHL travelling in close proximity to Barrhill appears to be an inevitable consequence for delivering the development given the locations of the consented windfarms to the south. Therefore, the route selected and proposed through these three Section 37 applications has been decided on the strength of other factors including minimising economic, environmental, and cultural impacts.

Landscape and Visual Impact

The OHL when considered collectively as one overall project will extend approximately 16km (9.5 miles) and as a result of this, it is inevitable that during its route, there will be sections which are more visible and notable than others.

For the section subject to the first application 21/01154/DEEM (e.g. the section of OHL which will look to initiate the connection for Stranoch Wind Farm), it will travel for the most part through remote and undesignated landscape once it enters South Ayrshire Council boundary. Weight is given to the fact that for the majority of its route in these areas, the OHL would run parallel to the minor road network where a number of existing lines and similar vertical pole and associated wind farm structures are already in situ. The presence of existing features combined with the relatively modest and slim line silhouette design and appearance of the poles themselves (which are spaced approximately 100 metres apart) confirms that the reach of the visual impact of the OHL for these sections would be localised and not significant or harmful on the surrounding environment.

The second section, application 21/01137/DEEM (e.g., the section of OHL which will look to facilitate the connection point for Chirmorie Wind Farm), only extends 200 metres in length. It runs from Chirmorie Wind Farm substation to a specific pole which the initial line for Stranoch Wind Farm will also connect to. Given the location, length and orientation of this section of OHL, it will be self-contained and the visual impact of this part of the OHL is not considered to be significant or harmful in any way.

The final section, application 21/01164/DEEM is the longest of the three with it running approximately 11.25km in length and navigating a variety of landscapes, environments and constraints. It is acknowledged that as part of this section of the proposed OHL, it has the potential to be more visually noticeable in particular areas as it approaches and travels to the east of the settlement of Barrhill towards Mark Hill substation. However, noting the design and appearance of the OHL it is not considered that the visual impacts in these locations would either be significant or adverse based on the findings and evidence of the comprehensive Landscape and Visual Impact assessment provided as part of the Environmental Appraisal. It is also worth noting that for the remaining parts of this final section of the overall OHL, both before and beyond the area near Barrhill it will not be visually intrusive or impactful from any notable or sensitive viewpoints. This is particularly relevant for the area beyond the immediate east of Barrhill as the OHL travels north to Mark Hill with the photomontages and supporting information demonstrating that the OHL will not actually be seen due to a combination of topography and landscape features.

Consideration of Undergrounding

As previously outlined, the lines subject to these three Section 37 applications are to be delivered overground with the exception of the last 100m stretch on approach to Mark Hill substation which is to be undergrounded and undertaken separately as Permitted Development. Whilst this short section of cabling does not form part of the three Section 37 applications being considered, the reasons for undergrounding a 100m section after the end of the OHL have been clarified and it is considered relevant to note these in order to be able to both understand and differentiate the approach taken here from the remaining sections of OHL which do merit consideration through the applications submitted. In short, this 100m section is to be undergrounded for a number of technical reasons and this includes the following:

- Clearance between the existing forest road and the proposed OHL - The forest road is the main access for maintenance to Mark Hill Sub Station and the Scottish Power Renewables control building and there is a need to be able to have any kind of vehicular access there without height restriction. An OHL in this location would compromise this.
- Difference in level from the field south of the forest road to the substation which is lower and can be better managed with a underground cable entry.
- Steep bending - The existing and proposed circuit coming from the south are bending 90 degrees to the east and again another 90 degrees into the substation. This could not be achieved with an OHL due to clearances between phases within the same circuits.
- Clearances between multiple circuits going into Mark Hill – Underground cables can run in parallel/close proximity to one another whereas OHL need a minimum clearance. As there is multiple OHL entry bays into Mark Hill next to another at present, the 100m section could not be achieved without significantly extending the route to come in from a different direction.

Beyond the assessment and justification provided in the Environmental Appraisal for overgrounding the lines subject to the three Section 37 applications, the Planning Service has sought additional information from the agent to justify the decision to deliver the OHL overground as opposed to underground, particularly around the area to the east of the village of Barrhill. The agent (Scottish Power Energy Networks - SPEN) in response has provided further bespoke supporting information and assessments to evidence the approach taken and this comprises of a variety of economic, technical and environmental factors in favour for overgrounding this section. As part of this, the agent has also set out the implications, risks and impacts of undergrounding the lines as cables.

Firstly, in terms of economic factors, SPEN advise that they have a licence obligation and duty to deliver the most economic and efficient solution within the constraints of industry standards, statutory consents, approvals and permissions. As part of this, OFGEM (the Office of the Gas and Electricity Markets) who they represent has to approve investment decisions within the transmission system and its role is to protect the electricity consumer from unnecessary or unjustified costs. Ultimately, the financial burden of constructing and operating the new shared section of transmission line will be placed on electricity consumers throughout Great Britain.

As any infrastructure costs will have a direct impact into the British electricity bill payer (who essentially fund these projects) this means an overhead line will almost always be promoted ahead of an underground cable connection due to the higher costs of underground cabling for the relative voltages. On this point, SPEN advise that underground cables are typically 2-5 times more expensive than the equivalent length of overhead line and as part of this they have included comparable examples to demonstrate cost ratio between overhead and underground lines for similar infrastructure projects.

The example provided indicates that for a section of overhead line over a 2.3km stretch it would on average cost approximately £4.5 million overground. If this same section is to be routed underground the cost rises on average to approximately £17.5 million.

From an environmental perspective, the information presented explains that undergrounding cabling generally represents a more intrusive approach than overgrounding with more predicted impactful consequences due to the construction methods required. In this case, given the level of voltage proposed, trenches 10 metres in width and a minimum of 1.5 metres in depth would need to be formed to bury the cabling around these areas. The 10-metre operational corridor needs to remain as sterilised land and nothing can be planted, built or laid in these areas to ensure constant and unhindered access to the cables should this be required. The extent of the engineering and drilling activity involved brings with it a number of environmental risks and disturbance with further knock-on risks for ecology and cultural heritage that would require further consideration and mitigation. Potential environmental impacts that come from undergrounding include effects on groundwater during construction and operation and impacts on soil and geology due to displacement during excavation and reinstatement and disturbance of buried archaeology and potential wildlife habitats.

In addition to this, once installed, any future maintenance and addressing of faults for sections of underground cabling would also require further intrusive activity and excavation to expose and fix the issues could again lead to further impacts environmentally. Conversely, for overgrounding poles and lines these can ordinarily be fixed, altered, and replaced with little to no further impacts on the ground or environment itself.

Finally, with regards to some relevant technical considerations, the agent has advised as the section to the east of Barrhill will require the OHL to navigate across and around road networks, watercourses and in between isolated residential properties, the level of disruption to deliver underground cables in these areas would generally be far more significant. As the construction process involved with undergrounding is generally more intrusive (including the excavation and drilling activities), the construction period is typically longer and more intensive, it requires heavier machinery and a number of additional processes including those to accommodate the storage of soil and material removed and for surface re-instatement.

As a result of the extent of ground intrusion, undergrounding also increases the potential risks for affecting existing utilities including private water supply catchment, abstraction and supply point in terms of contamination or cutting water supply all together. Where overground lines would have a localised impact given the scale of footings required for the wood poles at point of insert, the risks for undergrounding due to the width and depth of excavation involved is greater and therefore the risks increase. It is for this very reason that the Council's Environmental Health Service have advised in their consultation response that they would not advocate for undergrounding the cable lines through these locations. Further technical consideration of the impact of both private and public water supplies from the current overground proposals is considered in more detail in the hydrology sub-section below.

In summary, it is not considered appropriate or justified in this case to request undergrounding for the sections of OHL which pass through Barrhill given the combination of reasons set out above.

Cultural and Built Heritage

The assessment on cultural and built heritage is consolidated as a bespoke chapter within the Environmental Appraisal. As part of this, a desk-based assessment and a walkover field survey have been carried out for the development subject to the three Section 37 applications and this includes consideration of all heritage and potential archaeological features present in both an Inner Study Area (approximately 200m from the centre line of the OHL on either side) and an Outer Study Area (approximately 2km from the centre line of the OHL on either side). Forty-eight cultural heritage assets have been identified within the Inner Study Area and potential direct impacts have been predicted on 15 of these arising from the construction of the proposed development. Fifty heritage assets in the Outer Study Area were identified and predicted to have visibility of one or more elements of the proposed development.

Following detailed review and consideration, the assessment concludes that subject to appropriate mitigation where required, none of the sections of OHL subject to the three Section 37 applications will have a significant direct impact upon archaeological and heritage features throughout the study area. To avoid any potential direct impacts, standard mitigation is proposed during construction stage for the OHL, and this includes but is not exclusive to, delineating and marking off heritage features (cairns, water tanks etc) as buffer zones, the use temporary track mats and limitations on certain forms of machinery for particular sections of the OHL installation. In terms of in-direct impacts including impact on setting of heritage features, twenty-one assets were assessed across the three sections of OHL as being potentially receptive to the OHL, and this included a mixture of scheduled monuments and sensitive designated sites. In each case, due to the alignment and design of the OHL combined with secondary factors like distance and intersecting land, the impact on the settings of these heritage designations were considered to either be of low or negligible magnitude and no mitigation (including realignment of any section of the OHL) was deemed necessary.

Noting the assessment above, it is considered that any potential impacts from the OHL subject to the three Section 37 applications upon both cultural and built heritage at both construction and operation stage would not be significant and the mitigation proposed will offset potential effects where they have been identified.

Ecology and Forestry Impact

A desk-based study and a field survey comprising of a of an Extended Phase 1 Habitat Survey have been undertaken to inform the assessment of ecological impacts as part of the Environmental Appraisal. For desk-based studies, the ecological study area had a reach of approximately 2km around the centre of the OHL with the ornithological study area extended to approximately 10km. For field studies, the study area was set at 250m either side of the OHL.

The appraisal of the proposed development has identified potential impacts on habitats (particularly woodland, blanket bog and wet modified bog) including those for the red squirrel, otter, bat species and breeding birds. The relevance and the potential level of impact varies across the three Section 37 applications as it travels along the 16km route. Given the nature of the construction of the OHL, the assessment acknowledges that there will be some residual adverse effects on ecological habitats; however, these will mostly only be for a short to medium term whilst habitats re-establish following construction of the development. No significant, long-term residential effects are predicated in this regard.

Mitigation proposed to ensure any such predicated impact is not significant or long-term includes the avoidance of sensitive habitats all together, habitat reinstatement, woodland offset planting, a Construction Environmental Management Plan (CEMP) and the involvement of a suitably qualified Ecological Clerk of Works (ECoW) to monitor and oversee the works and to ensure the mitigation is in place.

The Environmental Appraisal identifies that, of the 16km overall connection length of the OHL subject to the three Section 37 applications, approximately 4km will pass through areas forestry land with the final of the three Section 37 applications (21/01164/DEEM) travelling through Arecleoch forest and anticipating of having the most notable impact in this regard. Collectively, the OHL at construction stage would impact upon 21.41 hectares of forestry in varying degrees and this is partly due to the need to deliver a 60m wide resilience corridor for the development on either side of the line route and alignment. The areas of forestry impacted would comprise of the following as broken down:

- 7.95 hectares of existing trees which would be selectively felled (including 5.52ha of conifer forest and 2.43ha of broadleaf forest).
- 4.77 hectares of broadleaf scatter woodland which would be retained and managed to avoid felling (achieved through long-term pruning and crown reduction).
- 6.04 hectares of land awaiting re-planting (this is recently felled forest where it is anticipated the landowner would replant these in the short term).
- 2.65 hectares of long-term open ground where it is anticipated the landowner would not replant.

The forestry assessment chapter of the Environmental Appraisal undertaken predicts longer term impacts for existing woodland and forestry noting the felling requirements at construction stage however it considers these impacts would not be significantly consequential due to the mitigation proposed. To fully address the long-term loss of forest resource, the Environmental Appraisal recognises a requirement to address the felling of the existing 7.95 ha of trees and also the 6.04 ha of land awaiting replanting, as trees could not be re-planted in these areas following construction of the connection, a total of 13.99 ha. In response to these findings, the Environmental Appraisal sets out a commitment to developing both a felling strategy and compensatory re-planting schedule both of which are to be agreed with the ECU and relevant forestry enterprises. This would be undertaken in line with relevant planning policy to ensure there is no overall net loss of woodland and it considers that once the new offset woodland areas have either been established or areas of felled woodland have been re-established, any longer-term impacts experienced will be addressed.

At the operational stage of the OHL project, the Environmental Appraisal anticipates a requirement to potentially amend existing 'Forest Management Plans' detailing current objectives, plans and techniques for felling and restructuring the forest within adjoining, retained forest areas to ensure the OHL is not compromised or impacted. The Applicant states that in such situations they would work with the various landowners where the proposed development would impact upon their future operational management of the forest and at this point, further mitigation work would be undertaken in consultation with the landowners to address all potential operational impacts. The Environmental Appraisal concludes that these discussions would be undertaken along with financial compensation arrangements to address the loss of forestry.

Given all the above, it is considered that any potential impacts from the OHL subject to the three Section 37 applications upon both ecology and forestry at both construction and operation stage would not be significant and/or permanent due to the suite of mitigation proposed.

Hydrology and Hydrogeology

Chapter 8 of the Environmental Appraisal considers the potential effects of the proposed development on hydrology and hydrogeology. The specific objectives as set out describe the geological, hydrogeological, and hydrological baseline and then consider the potential effects, including direct, indirect, and cumulative effects of the proposed development on hydrology and hydrogeology. Measures are identified, where appropriate, to mitigate effects.

The study area for consideration of potential direct effects on the water environment associated with the construction phase of the proposed development equates to all watercourses within a 1 km radius. A desk study and a field study have been undertaken to inform this assessment.

Potential impacts of the OHL are identified and these largely relate to the construction process for the OHL subject to the three Section 37 applications. Examples of this include the potential for soil erosion along the proposed alignment, siltation or pollution of watercourses during excavation and installation of wood poles, spills or contamination from materials/wastes and modification of groundwater flows by location of wood poles and/or by excavation. Mitigation to offset any potential impacts is relatively standard practice and includes implementation of the CEMP, a detailed drainage design and silt management scheme, removal of temporary construction roads and stone tracks following completion of construction and storage of excavated materials.

With regards to potential impact of the OHL on private and public water supplies, this is considered in its own sub-section of the Environmental Appraisal. The review sets out that the closest private water supplies within a 2.5km radius relate to those which serve two properties at Altercannoch (possible source identified as Loch Alty 1.4km southeast of the proposed alignment), two properties at Ferngate (possible source identified as Cross Water of Luce at approximately 400m west of the proposed alignment) and one property at Chirmorie (four possible sources varying between 460m to 715m east of the proposed alignment). As all private water supplies sources identified are outwith a 250m buffer of the proposed alignment, and private water supply locations are shown not to be in hydrological connection to the proposed alignment and indicative access routes, the assessment establishes that no further appraisal of potential impacts to PWS is required as there is no potential for the proposed alignment to affect water quality at these locations. In terms of Public Water Supplies, it is set out that there is no drinking water protected areas as classified by SEPA within 1km of the proposed or in downstream hydrological connectivity and as such no further assessment on this is subject area either.

The Council's Environmental Health Service have reviewed this assessment and as part of this have undertaken a site walkover with the agents to confirm that the reach buffer zone and the identified potential receptors for the PWS is sufficient. Their consultation response provided confirm that they have no objections to the three Section 37 applications subject to 'Site Specific Risk Assessments' being undertaken for PWS's they have identified. It has been advised that would be addressed between the Agent and the Council's Environmental Health Service as Regulator.

Beyond the position given, to assist and inform considerations, Environmental Health have also made a number of observations in terms of separate legislative requirements and frameworks which the Applicant would require to adhere to and comply with when finalising the proposed alignment and also delivering the project on the ground. It is intended that a copy of their consultation responses would be issued to the ECU alongside the Council's overall consultation responses should Members be minded to agree with the recommendations as set out in this report.

In summary, subject to a suite of relatively standard mitigation at the construction stage and the separate Environmental Health requirements being addressed, it is not considered that there will be any significant or adverse impacts from the OHL subject to the three Section 37 applications in terms of hydrological or hydrogeological matters.

Schedule of Mitigation

As set out in a number of the sub-sections above, mitigation has been proposed in response to each of the topic areas where some form of environmental impacts and effects is either considered to be likely or a potential consequence that needs to be off-set. This is consolidated in Chapter 10 of the Environmental Appraisal; Summary and Schedule of Mitigation' which tables the mitigation proposed at pre-construction, construction and operation stage as it applies to each of the topic areas assessed.

Having reviewed the suite of mitigation proposed in relation to the OHL subject to these three Section 37 applications, it is in the broadest terms considered to be both acceptable and proportionate. Any further requirements in terms of the securing this mitigation or seeking additional mitigation would be agreed with the ECU as part of the consideration of these Section 37 applications.

10. Other Material Considerations

Scottish Planning Policy (SPP) is generally supportive of supporting infrastructure related to wind energy development where the development can operate efficiently, and environmental and cumulative impacts can satisfactorily be addressed but this is qualified by the need to ensure the environmental impacts are satisfactory. It suggests criteria for the consideration of proposals which are similar in content to those of the South Ayrshire Local Development Plan. The SPP seeks to ensure that in taking decisions on development proposals, Planning Authorities should ensure that potential effects, including cumulative effects of incremental development are considered. The proposal to develop and deliver OHLs to support consenting windfarm developments does not raise any significant additional environmental impact concerns and sufficient mitigation is proposed where impacts could arise or last. As a result, the proposals subject to the three Section 37 applications are accordingly considered to be consistent and compliant with SPP.

11. Conclusion

In conclusion, having considered the proposals including the supporting documentation, together with the additional assessments and material provided, and having balanced the need, merits and purpose of the proposals, it is considered that the OHL project subject to the three Section 37 applications are acceptable.

12. Recommendation

It is recommended that South Ayrshire Council as a consultee submits no objections to the Scottish Government (e.g. the Energy Consents Unit) for all three Section 37 applications subject to the OHL development and project. Notwithstanding this, as these consultations from the Scottish Government have been submitted as three distinct and separate Section 37 applications, three Council recommendations would require to be issued for each individually and these would be in line with the below:

- 21/01154/DEEM - Recommendation of no objections to the Scottish Government
- 21/01137/DEEM - Recommendation of no objections to the Scottish Government
- 21/01164/DEEM - Recommendation of no objections to the Scottish Government

Advisory Note

South Ayrshire Council Environmental Health Service will require the Developer to undertake 'Site Specific Risk Assessments' for all of the Private Water Supplies (PWS) (including their catchments, supplies, and the mitigations to be undertaken/not undertaken including why) identified as part of the Environmental Appraisal. This shall be carried out in conjunction with Environmental Health as Regulator for the PWS in South Ayrshire Council. The relevant officer, Constance Lobban (Enforcement Officer, Environmental Health) can be contacted on constance.lobban@south-ayrshire.gov.uk to progress this requirement.

Background Papers

Application Letters, Plans & Supporting Information
Scottish Planning Policy (SPP)
Adopted South Ayrshire Local Development Plan 1
Modified Proposed Local Development Plan 2

Person to Contact: Ross Lee, Supervisory Planner
T: 01292 616383
E: Ross.Lee@south-ayrshire.gov.uk

Date: 31/03/22 (31st March 2022)

**South Ayrshire Council
List of Planning Applications for Panel Consideration on 31st March 2022**

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	22/00041/APP Mr David Clark (Objections) Application Summary	Land To The North East Of Barassie Farm Kilmarnock Road Troon South Ayrshire	Erection of detached pavilion building to house communal pump and communal water storage tank	Ayrshire Housing	Approval with Conditions
2.	22/00042/APP Ms Fiona Sharp (Objections) Application Summary	49 Academy Street Troon South Ayrshire KA10 6HR	Alterations to and amalgamation of existing retail units to form single retail unit, erection of trolley bay, siting of electricity substation and associated amendments to car park layout	Lidl Great Britain Ltd	Approval with Conditions

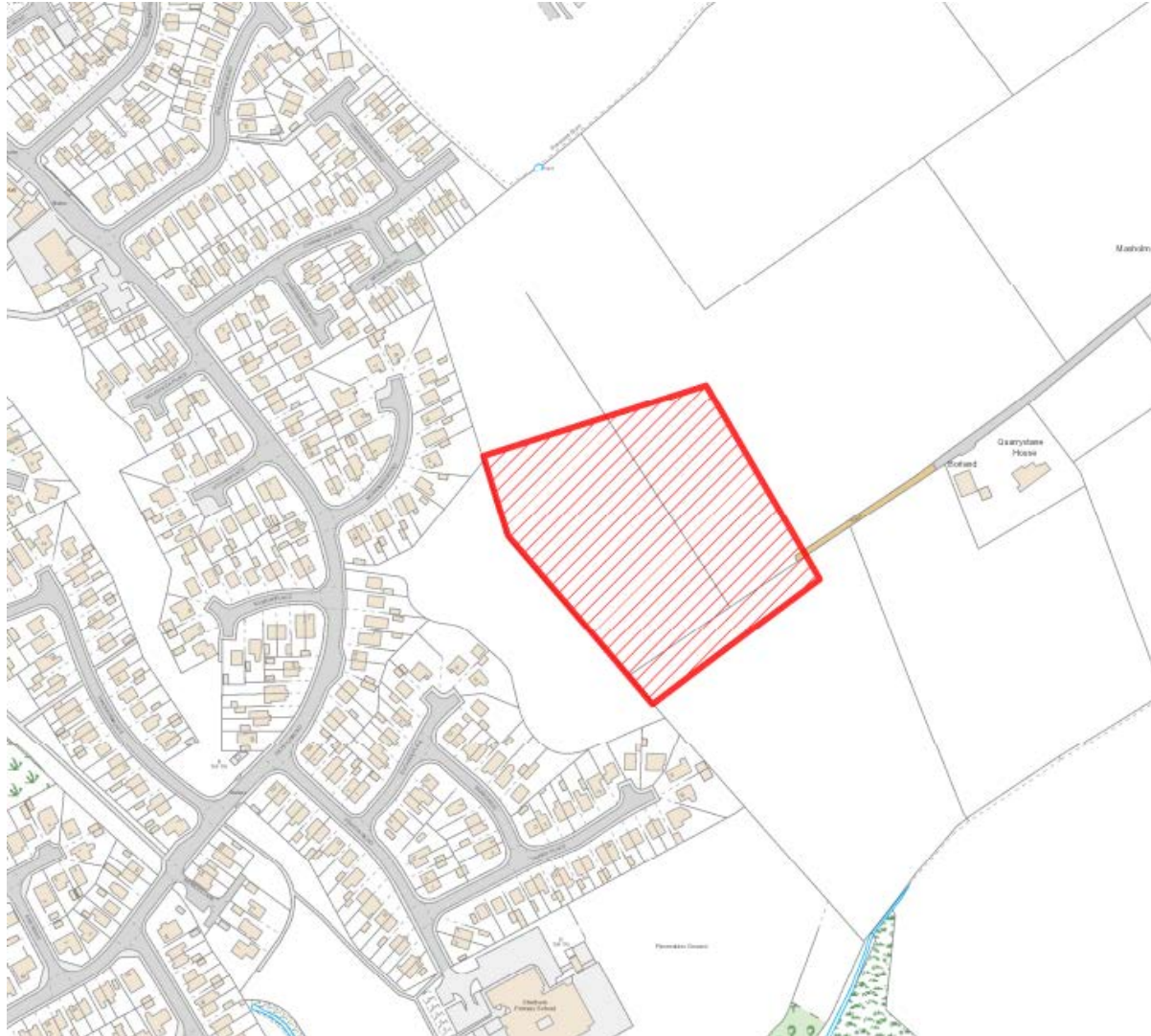
REGULATORY PANEL: 31 MARCH 2022

REPORT BY PLACE DIRECTORATE

22/00041/APP

LAND TO THE NORTH-EAST OF BARASSIE FARM KILMARNOCK ROAD TROON SOUTH AYRSHIRE

Location Plan



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Summary

Retrospective planning permission is sought for the erection of a detached single storey pitched roof building to house a communal pump and communal water storage tank on land to the north-east of Barassie Farm, Troon. The application submission intimates that the proposed building is required to provide a water supply to sprinkler systems for the 52 affordable homes approved as part of planning application 19/00701/MSCM which are currently under construction. The building is located within the private parking area between plots 28 and 20 at the north corner of the Village Green/ identified open space within the site. The building is 4.6 metres long, by 3 metres wide, reaches a height of 3.4 metres and has a similar appearance to a domestic outbuilding/ garage. There is a single access door on the elevation to the car park.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, emerging development plan, consultations (no objections received from consultees), representations received (8 objections received from local residents) 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 satisfactorily addressed by way of condition. Equally, the points raised in the letters 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 the residential character or amenity of the locality. Accordingly, the application is recommended for approval.

This 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 five, or more, competent written objections have been received from separate households.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 31 MARCH 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00041/APP
SITE ADDRESS:	LAND TO THE NORTH EAST OF BARASSIE FARM KILMARNOCK ROAD TROON SOUTH AYRSHIRE
DESCRIPTION:	ERECTION OF DETACHED PAVILION BUILDING TO HOUSE COMMUNAL PUMP AND COMMUNAL WATER STORAGE TANK
RECOMMENDATION:	APPROVAL WITH 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, subject to certain restrictions arising directly from the public health measures put in place to deal with the COVID-19 (Coronavirus) pandemic.

1. Proposal:

The application seeks retrospective planning permission for the erection of a detached building to house a communal pump and communal water storage tank on land to the north-east of Barassie Farm, Troon.

The application site forms part of an area identified for residential development through the provisions of the South Ayrshire Local Development Plan and planning permission in principle 11/00540/PPPM. Permission 17/00814/FURM subsequently amended the original permission in principle to permit a total of 720 units within North East Troon. Detailed planning permission for part of this wider North East Troon site (19/00701/MSCM) was approved on 14th November 2020 for a total of 83 open market homes units, erection of one shop unit (Class 1) and erection of 52 affordable homes and associated roads, footpaths and landscaping on land to the north-east of Barassie Farm, Troon. It is on this site and specifically in the private parking area between plots 28 and 20 at the north corner of the village green/ identified open space within the site that the proposed building housing a communal pump and water storage tank has been constructed.

The application submission intimates that the proposed building is required to provide a water supply to sprinkler systems for the 52 affordable homes. The submission states that Building Regulations require buildings containing flats and affordable housing dwellings to be provided with automatic fire suppression; and that domestic sprinkler systems are being installed in each of the affordable housing flats and dwellings approved by application 19/00701/MSCM.

The building is 4.6 metres long, by 3 metres wide, reaches a height of 3.4 metres and has a similar appearance to a domestic outbuilding/ garage. There is a single access door on the elevation to the car park. The building is finished in materials comprising the following:

- o External walls: Facing brick, Ibstock, Bradgate Multi Cream, colour: Buff.
- o Pitched roof: Single lap interlocking concrete tiles, colour: Smooth Grey.
- o Fascias, Verge & soffits: Marley' Evoke' composite aluminium, colour: Umbra Grey.
- o Rainwater pipes and gutters: PVCu, colour: Black.
- o External door: Polyester Powder coated steel, colour: Umbra Grey.

As noted above, planning permission for the pavilion building is sought retrospectively as the works have been completed on site.

The planning 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 more than 5 written objections have been received.

2. Consultations:

Ayrshire Roads Alliance - offer no response.
Environmental Health - offer no objection.
Scottish Water - offer no objection.

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.

Design Statement: This document explains the need for the proposed development and that the building has been designed to be the minimum size on plan and height necessary to contain the pump, water storage tank and control equipment.

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:**

8 representations have been received, 8 of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning. The issues raised by representees can be summarised as principally relating to;

- The proposed development is not appropriate in terms of its amenity impact, layout and scale in relation to its surroundings.
- The proposed development will have an adverse impact on the amenity of the area in terms of noise pollution.
- The location of the pavilion building, as shown on the plans which accompany the planning application submission, is not in accordance with what has been built on site.
- The proposed building was not included within previous planning application proposals.
- The proposed building could create anti-social behaviour.
- Lack of consultation with neighbouring residents regarding the siting and location of the proposed pavilion building.
- Proposed pavilion building should be located at the edge of the 'Village Green'.
- The proposed building could have affect property values.

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, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. A response to these representations is included within the assessment section of this report.

7. **Assessment:**

The material considerations in the assessment of this planning application are the Planning History, relevant provisions of the development plan, representation received and the impact of the proposal on the amenity of the locality.

(i) **Planning History**

11/00540/PPPM: Planning Permission In Principle was originally approved in 2012 for the North East Troon (NET) residential development, comprising 680 residential properties.

12/00163/MSCM: Approval of Matters Specified in Conditions approval was approved on 17 April 2012 for the roundabouts, spine road, SUDS and structural landscaping. Of relevance to the current application, this included approval of the landscaping along the south western boundary of the site and along the Struthers Burn corridor to the south east of the site.

17/00121/MSCM: Approval of Matters Specified in Conditions was approved on 22 June 2017 for the full details of the house types, plot layout, local roads, parking areas and landscaping for the southern half of NET, with the exception of the affordable housing pod. This permission has been commenced in respect of the part being undertaken by Taylor Wimpey Homes Ltd. The current application is for a material amendment to the details previously approved for part of the area covered by 17/00121/MSCM, which are to be undertaken by the current applicant, and the affordable housing and local shop.

17/00814/FURM: Permission to amend condition 3 of permission 11/00540/PPPM to permit the total number of dwellings constructed within the NET development to be increased from 680 to 720 was approved on 23 November 2018.

19/00701/MSCM: Permission for approval of matters specified in conditions of planning permission in principle reference 17/00814/FURM. Application 17/00814/FURM was described as "Further application to vary condition 3 of planning permission in principle 11/00540/PPPM to increase the number of permitted residential units from 680 units to 720 units". This application was approved on 14 November 2020.

The planning permissions for residential development at the site known as North-East Troon are significant material planning considerations in the assessment of the current application.

(ii) Development Plan

Section 25 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 current application has been submitted to supply the 52 affordable homes, approved by application 19/00701/MSCM, with a communal pump and water storage tank so as to supply sprinkler systems for each of these homes.

The following provisions of the development plan are considered particularly relevant to the consideration of this application:

LDP Policy Sustainable Development: This policy outlines a number of tests which will be applicable in all circumstance in order to ensure that the principles of sustainable development are enshrined in the decision-making process. Of relevance to the considerations associated with this proposal is the acceptability of the proposal from an amenity and layout perspective. At the outset it is significant to note that the application site forms part of a wider development site which benefits from Planning Permission, as summarised above. It is considered that the proposed development, due to its modest height and size, can be absorbed at the proposed location without adversely compromising the character and amenity of the locale. This is explained in more detail, below.

LDP Policy Residential policy within settlements, release sites and windfall sites: This requires that proposals for development to be appropriate in terms of design, siting and amenity impact. It is considered that the pavilion building does not give rise to visual or residential amenity concerns. The pavilion building has the appearance of an ancillary outbuilding which are common place within the surrounding residential area. The pavilion building is also sited a sufficient distance from neighbouring properties so as to ensure that the proposal will not create any adverse amenity concerns. This is explain in more detail, below.

The provisions of the Adopted South Ayrshire Local Plan must 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.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP2 but referred to as LDP2) and issued its Examination Report on 10th January 2022. The Examination Report and LDP2 now forms a substantial material consideration in the determination of planning applications. Within the context of the current application assessment, the provisions of the Proposed Replacement South Ayrshire Local Development Plan (PLDP2) remain largely unchanged. This is explained in more detail, below.

(iii) Objector Concerns

The concerns of the objectors are summarised and considered as follows:-

- The proposed development is not appropriate in terms of its amenity impact, layout, scale, massing and design in relation to its surroundings.

An assessment of the development's amenity impact, layout, scale, massing and design in relation to its surroundings is set out elsewhere in this report. For the reasons set out, the proposed development is considered to be acceptable in this regard.

- The proposed development will have an adverse impact on the amenity of the area in terms of noise pollution.

There is no evidence to suggest that the proposed development would exacerbate noise pollution levels to an extent which would merit refusal of the application. In any case, the Council's Environmental Health Service offers no objection to the application proposals.

- The location of the building, as shown on the plans which accompany the planning application submission, is not in accordance with what has been built on site.

This matter has been raised directly with the applicant's agent who offers the following response: -

"The fence shown in the application drawings for the building coincides with that shown in the approved planning consent for our client's development, and the pavilion is set out correctly in relation to that. The adjoining developer Taylor Wimpey has erected a fence along a line which encroaches into our client's land is not in accordance with their own planning consent. This gives the false impression that the pavilion is too close to the boundary. Our client is in discussion with Taylor Wimpey on arrangements for the repositioning of the fence that they have erected. This is to allow our client to complete the landscaping works as approved."

- The proposed building was not included within previous planning application proposals.

Noted. The current retrospective application requires to assess the acceptability (or not) of the building.

- The proposed building could create anti-social behaviour.

There is no evidence to suggest that the proposed development would create anti-social behaviour. The building will not be accessible to the public and in any case, anti-social behaviour, should it occur, is a matter for the Police.

- Lack of consultation with neighbouring residents regarding the siting and location of the proposed pavilion building.

Neighbour notification by the Planning Service has been undertaken in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations. There is no requirement under the terms of these Regulations for the developer to consult with neighbours for a proposal to erect the pavilion building.

- Proposed pavilion building should be located at the edge of the 'Village Green'.

The application assessment requires to consider the acceptability, or otherwise, of the development proposed by the current planning application.

- The proposed building could have affect property values.

Planning case law has determined that the impact on property values is not a material planning consideration which can be taken into consideration in the assessment of planning applications.

(iv) Impact on the Locality

Planning permission is sought for the erection of a detached building to house a communal pump and communal water storage tank on land to the north-east of Barassie Farm, Troon. As set out above, the proposed pavilion building is required to provide a water supply to sprinkler systems for 52 affordable homes which were approved planning permission in 2020.

This application is retrospective in nature in that the pavilion building has been erected on site. The materials and construction of the building replicate garages and outbuildings which are found in the locale so it is not unusual in appearance and can be well accommodated within the private parking area where it is sited without reducing the number of parking spaces or adversely affecting the associated grassed area which borders the car park. Its modest height and scale are not considered to adversely compromise the residential amenity of the locale. The building, which reaches 3.4 metres at its highest point, is not considered to adversely compromise the residential amenity of the dwellings located at St Andrews Park or the future amenity of homes under construction. The submitted plans show that the pavilion building is located approximately 13 metres, at its closest point, from the rear elevation of the nearest dwelling located at St Andrews Park and approximately 16 metres from the homes under construction. The separation distances are considered sufficient so as the residential amenity of these properties are not adversely compromised by way of loss of light or unacceptable sense of enclosure created. It is also noted that the rear boundary of the properties located on St Andrews Park is defined by way of a 1.8 metre high timber fence which will partially screen the proposed building from wider views. The intended use of the proposed building will also ensure that the privacy of surrounding residential properties will not be adversely compromised by the application proposals.

The Council's Environmental Health Service has also offered no objections to the application proposals from a noise nuisance perspective. It is advised that noise would only come from the building in the event of a fire and where the pump and water storage tank would be operating to provide the sprinklers installed in neighbouring homes with water. Overall, it is considered that the proposed development has been designed to perform its intended function to facilitate a pump and water storage provision, and can be accommodated without significantly detracting from the character of the surrounding buildings and the local area.

For the reasons noted above, and elsewhere in this report, the proposal is considered to be acceptable in terms of its siting, design, height, scale and massing, and its relationship to adjacent land and property. Accordingly, it is not considered that the proposal will adversely impact on the amenity of the locality.

8. Conclusion:

The application has been assessed against the various material planning considerations which include the provisions of the development plan, emerging development plan, consultations, representations received 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. Equally, the points raised in the letters 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 a significant adverse impact on the character or 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 subject to the following conditions: -

- (1) That the development hereby granted shall be implemented in accordance with the approved plans 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.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

N/A.

List of Determined Plans:

Drawing - Reference No (or Description): 6403_A0-24 (Rev. B)

Drawing - Reference No (or Description): 6403_EXT_GA-01 (Rev. I)

Drawing - Reference No (or Description): 6403_L-01

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:

Application Form and supporting Documentation
South Ayrshire Local Development Plan
South Ayrshire Local Development Plan 2
Consultation responses
Representations received
Planning Permission in Principle 11/00540/PPPM
Planning Permission in Principle 17/00814/FURM
Approval of Matters Specified in Conditions 12/00163/MSCM
Approval of Matters Specified in Conditions 17/00121/MSCM
Approval of Matters Specified in Conditions 19/00701/MSCM

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

Mr David Clark, Supervisory Planner - Place Planning - Telephone 01292 616 118

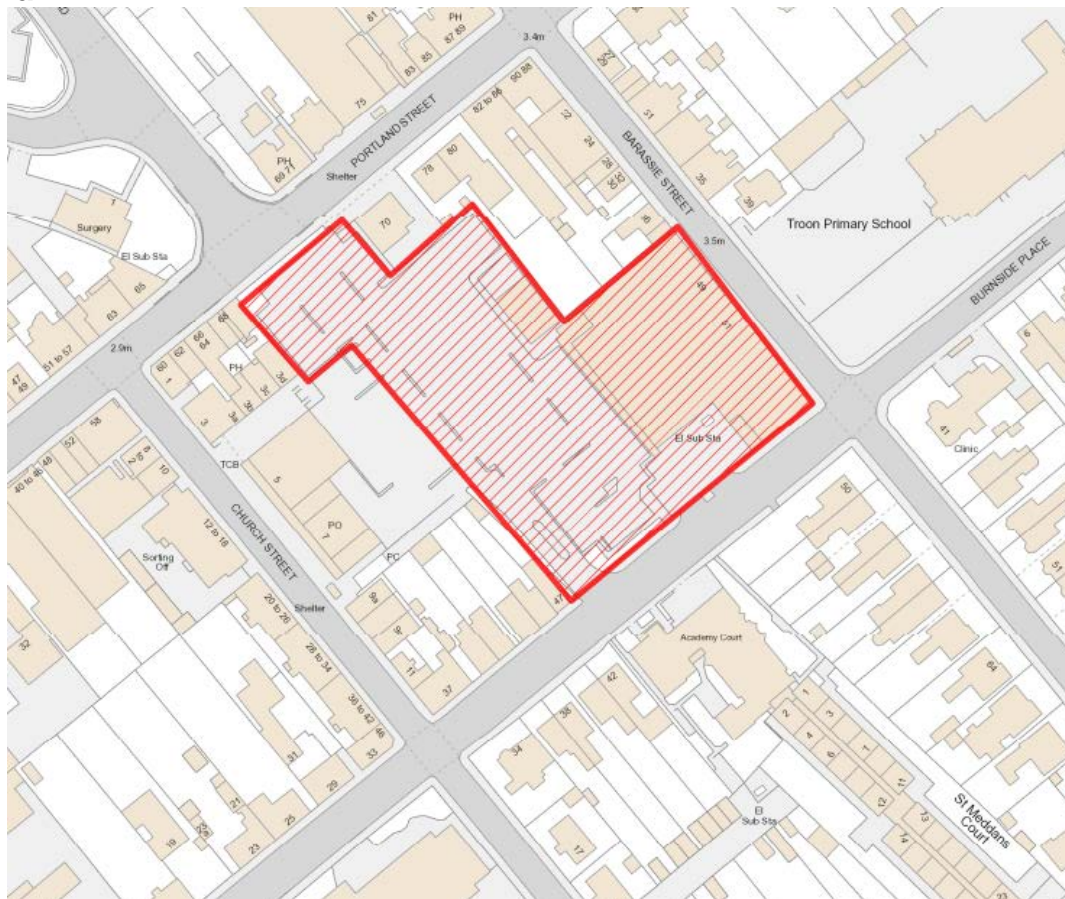
REGULATORY PANEL: 31 MARCH 2022

REPORT BY PLACE DIRECTORATE

22/00042/APP

49 ACADEMY STREET TROON SOUTH AYRSHIRE KA10 6HR

Location Plan



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Summary

Planning permission is sought for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit for use as a supermarket, at 49 - 51 Academy Street, Troon. Various external alterations to the existing building are proposed, including, the installation of a shopfront and fascia's. The development also includes various ancillary elements, including; the formation of two new trolley bays, two new charging stations for electric vehicles, the installation of a new electrical sub-station adjacent to the service yard, and the reconfiguration of the car park. The application site is located within Troon town centre and comprises of a former supermarket building with adjacent service yard. The car park area is owned by South Ayrshire Council and leased to a third party understood to be the to the owner of the retail buildings subject to the application.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, Scottish Planning Policy, consultations, representations received (19 in total), and the impact of the proposed development on the locality. The assessment concludes that the proposals align with the provisions of the development plan and also Scottish Planning policy, particularly as the development represents a sustainable development involving the re-use of an existing building, within a sustainable town centre location. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the representations 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. It is considered that the proposal will not have an adverse impact on the character or amenity of the locality. Accordingly, the application is recommended for approval.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 31 MARCH 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00042/APP
SITE ADDRESS:	49 ACADEMY STREET TROON SOUTH AYRSHIRE KA10 6HR
DESCRIPTION:	ALTERATIONS TO AND AMALGAMATION OF EXISTING RETAIL UNITS TO FORM SINGLE RETAIL UNIT, ERECTION OF TROLLEY BAY, SITING OF ELECTRICITY SUBSTATION AND ASSOCIATED AMENDMENTS TO CAR PARK LAYOUT
RECOMMENDATION:	APPROVAL WITH 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, subject to certain restrictions arising directly from the public health measures put in place to deal with the COVID-19 (Coronavirus) pandemic.

1. Proposal:

The application site is located within Troon town centre and comprises of a former supermarket building with adjacent service yard at 49 - 51 Academy Street, and an area of the adjacent car park. The former supermarket building has been sub-divided to form a small parade consisting of five retail premises, with the car park facility being leased to the owner of the commercial buildings within the site. Located within the car park, to the north-west of the former supermarket is an existing free-standing building which is utilised as a cafe. The site is bound in part by Academy Street to the south-east, Barassie Street to the north-east, and Portland Street to the north-west. To the south-west lies the boundary of a residential property at 47 Academy Street, commercial properties at Church Street and Portland Street are located in the north-western corner, with 25 additional parking spaces outwith the application site abutting the south-western boundary of the site. A single vehicular access is located on Academy Street. Pedestrian accesses through the site can be obtained via Academy Street, Portland Street, and Church Street.

Planning permission is sought for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit. The existing building is to be altered internally through the amalgamation of the floorspace, with four of the units being combined to form a single unit, intended for occupation by a supermarket. The existing remaining retail unit located towards the south-eastern aspect of the building is occupied by a pharmacy and shown to be retained under the proposals. The existing goods yard adjacent to Academy Street is to be utilised for servicing the new supermarket and also the existing retail unit. Various external alterations to the existing building are proposed, including, the installation of a new grey clad shopfront and fascia across the frontage of the site, new fascia cladding is proposed partly around the service area, and also on the rear elevation. Two existing exits on the north-western elevation are also proposed to be blocked up.

The development also includes various ancillary elements, including; the formation of two new trolley bays within the car park opposite the existing building, two new charging stations for electric vehicles near the entrance to the site at Academy Street, the installation of a new electrical sub-station adjacent to the service yard, and the reconfiguration of the car park. Under the proposals, the number of parking spaces within the application site are to be reduced from 182 to 119 to accommodate these ancillary elements.

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 for the following reasons;

- more than five competent written objections have been received from separate households; and
- the Council has an ownership interest in the application site, and more than 1 competent written objections have been received;

2. Consultations:

Ayrshire Roads Alliance - no objection, subject to conditions.

Property & Asset Management - no objection.

Environmental Health - no objection, subject to conditions.

Scottish Environment Protection Agency - no objection, subject to conditions.

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.

None.

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:

19 representations to the proposal have been received, 7 of which object, 9 of which support the proposals and 3 of which are neutral, but which also express some concerns. All representations received can be viewed in full at www.south-ayrshire.gov.uk/planning/register.aspx

In summary, the objections and neutral comments are summarised as principally relating to;

- Traffic and transport concerns;
- Impact on the local economy and Troon town centre;
- Other concerns, such as lease arrangements and provisions for access to neighbouring land and property;

Supporting representations have been submitted which consider, in summary, that the proposal will result in positive benefits to the town, its local economy, its residents and the environment.

The representations in relation to the development proposal are considered further in section 7 (v) 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, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. A response to these representations is included within the assessment section of this report.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the Local Development Plan as set out in the Adopted South Ayrshire Local Development Plan, the provisions of the emerging Local Development Plan, Government Guidance, planning history, representations received, and the impact of the proposal on the amenity of the locality.

i. Local Development Plan:

Section 25 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 following provisions of the local development plan are considered relevant to the consideration of this application and the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>

- Spatial Strategy - Core Investment Towns;
- Sustainable Development;
- Land Use and Transport;
- Town Centre First Principle, Network of Centres, Town Centre as contained in the Town Centres and Retail Local Development Plan;

The spatial strategy directs development proposals to the Core Investment Towns (i.e Ayr, Prestwick, Troon, Maybole and Girvan), and in particular proposals for commercial, industrial or community facilities. In particular, the spatial strategy seeks to promote and enhance the vitality and viability of town centres, and the use of vacant, redundant or brownfield sites. The application site benefits from a central location within Troon town centre, and the proposals involve the re-use of an existing building, which was historically utilised as a supermarket. The proposals are therefore considered to accord with the Spatial Strategy and Core Investment Town policies of the LDP.

The Council has prepared a separate document entitled Town Centres and Retail Local Development Plan (TCRDLP) which is materially significant in the consideration of the current proposals. Under the town centre first principle, new public and private sector development proposals are, in the first instance, directed towards town centres. The Network of Centres policy identifies that the Core Investment Towns of Troon, Prestwick, Maybole and Girvan will be supported as locations for retail, office and commercial leisure development that help to sustain those centres as vibrant centres for their local communities.

The Town Centre policy of the TCRLDP identifies the site as being within the 'Core' shopping area of Troon town centre, and the policy seeks to ensure that town centres remain strong shopping centres, with Class 1 retail uses recognised as the mainstay of town centres, in terms of contributing to their vitality and viability. In this context, the proposal, due to its location within an existing town centre location is considered to be in accordance with the spatial strategy and retail policies of the LDP. The proposals are also considered to offer the potential for not only linked trips to multiple commercial premises, but also sustainable trips by means of other modes of transport such as walking, cycling, or bus trips. Therefore, the proposals are considered to accord with the LDP policy in relation to sustainable development. Given the above policy context the development proposal is considered to accord with the afore-mentioned provisions of the local development plan.

The development proposal requires to be considered against the provisions of the LDP policy in relation to land use and transport given that the application site incorporates part of the existing car park. The LDP policy in relation to land use and transport recognises the inter-relationship between land use planning and transport as a means to achieve sustainable economic development. The policy requires a holistic approach to the consideration of development proposals, in particular, development proposals should;

- Closely link to existing and proposed walking, cycling and public transport networks, where possible;
- Ensure essential use of the private car is accommodated within the context of an integrated approach to transport;
- Safeguard existing car parking facilities, particularly strategic car parking facilities and those identified in the LDP strategy map.

It is noted that the proposal involves the loss of some parking spaces within the car park, however, the greater number of the remaining spaces within the overall car park remain available. The Ayrshire Roads Alliance (ARA) has considered the issue of the loss of parking in line with the SCOTS National Roads Development Guide parking standards, and has concluded that, whereas there is some loss of parking spaces, this is not considered to be significant, and would not warrant a different recommendation. The remaining parking is confirmed by the ARA to accord with the parking standards as set out in the SCOTS National Roads Development Guide. Given the location of the site within Troon town centre which is served by bus, cycle and walking routes and also by Troon rail station, it is considered that the site benefits from the opportunity to encourage a modal shift towards travel by means other than the private car. The ARA has suggested measures to encourage travel by other modes of transport, including, the need for an additional pedestrian crossing on Academy Street, the provision of cycle parking, and also the submission of a Travel Plan. Appropriate planning conditions can be attached to satisfy the requirements of the ARA. The application has been assessed in this context, and it is considered that the proposal is consistent with the LDP policy in relation to land use and transport.

The provisions of the Adopted South Ayrshire Local Plan must 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.

The development proposal has been assessed against the above policies and is considered to be in accordance with the development plan.

ii. Emerging Local Development Plan - South Ayrshire Modified Proposed Local Development Plan 2;

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP 2) and issued its Examination Report on 10th January 2022. The Examination Report and LDP 2 now forms a substantial material consideration in the determination of planning applications. The application site remains within Troon town centre in the LDP2, and therefore, the policy provisions affecting the site remain broadly unchanged. The application has been considered in this context.

iii. Other Policy Considerations (including Government Guidance):

- Scottish Planning Policy (SPP)

Scottish Planning Policy sets out national planning policy advice which reflects Scottish Minister's priorities for operation of the planning system and for the development and use of land. SPP is a material planning consideration. SPP advises that planning should adopt a positive approach to enabling high-quality development making efficient use of land to deliver long-term public benefits while protecting and enhancing natural and cultural resources. SPP introduces a presumption in favour of development that contributes to sustainable development and seeks to ensure that the right development takes place in the right place. Decisions on development proposal should be guided by a number of policy considerations, including "considering the reuse or redevelopment of brownfield land before development of greenfield land" and "locating development where investment in growth or improvement would have the most benefit for the amenity of local people and the vitality of the local economy". The current proposal is for the re-use and redevelopment of an existing building within Troon town centre to provide a single enlarged retail unit for use by a supermarket, thus avoiding the use of greenfield land. The location within the town centre is highly accessible and the reuse of the premises will sustain a footfall generating activity which will contribute to the vitality and viability of the town centre.

The SPP also considers the issue of sustainable transport and active travel, and states that the planning system should support patterns of development which;

- optimises the use of existing infrastructure;
- reduces the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes;

For the reasons set out in the foregoing assessment under the Local Development Plan, it is considered that the proposal is consistent with these aspects of SPP, and in particular the provisions in terms of promoting town centres, as well as sustainable transport and active travel.

iv. Planning History of the Site:

The following most recent applications affecting the site are considered to be relevant;

Application 22/00137/APP seeks permission for the erection of two freestanding retail units with associated access, parking and landscaping. The submitted drawings show a single new retail unit on the site of the former supermarket, and also the erection of an additional new retail unit in the northern corner of the site. This application is pending consideration and is understood to be an alternative proposal to the current application.

Planning permission was granted under application 18/00772/APP for the erection of two retail units. The site of this application also overlapped with the site of application under the 2014 application (14/01217/APP). Neither the permission granted under application 14/01217/APP nor 18/00772/APP have been implemented.

Planning permission was granted under application 14/01217/APP for the erection of an additional retail unit on the site which is the subject of the application.

Planning permission was granted under application 12/01216/APP for the erection of new building to be utilised as a Class 3 cafe with external seating area. This development has been implemented.

Planning permission was granted under application 03/01271/FUL for the sub-division, alteration and extension of the former supermarket premises at Academy Street. This planning permission has now been implemented.

v. Representations Received:

It is noted that those objecting or expressing concern in relation to the development proposal are primarily the existing occupiers of the premises, and nearby or neighbouring properties and businesses. The representations received in relation to the proposal are summarised below.

- Traffic and Transport issues, including; the loss of parking spaces will deter visitors to the town, potential for on-street parking and congestion, increased congestion from shoppers and delivery vehicles and possible road safety issues, proximity of site to existing uses, including two primary schools, site is too small to accommodate parking for the retailer, need for residents' parking permits and/ or other deterrents such as lining restrictions, potential/ need for parking restrictions to be introduced;

It is noted that the proposal will result in the loss of 63 car parking spaces within the existing car park. However there will be an increase in accessible disabled bays and the introduction of electric vehicle charging points as a result. There will also be two designated trolley bays and electric sub station. The ARA has considered the issue of the loss of parking and has concluded that, the loss of parking spaces is not considered to be significant. In this context, the development proposals are not considered to warrant a different recommendation. It is also noted that the number of remaining spaces (119 remaining within the application site plus an additional 25 adjacent spaces) within the overall car park remain available for use. In considering the development proposal, the ARA has not raised any concerns in relation to traffic and/ or on-street parking, congestion or pedestrian safety with regards to the proposal at this location. The ARA has suggested measures to encourage travel by other modes of transport, including, the need for an additional pedestrian crossing on Academy Street, the provision of cycle parking, and also the submission of a Travel Plan. Appropriate planning conditions can be attached to satisfy the requirements of the ARA. The ARA has not identified the need for on street resident parking permits, or additional measures at this time. Notwithstanding, the ARA has legislative powers to introduce any measures it deems necessary so as to effectively manage the local road network. The submission does not propose any parking restrictions within the car park. It is understood that the terms of the lease agreement seeks to secure the on-going provision of car parking. The application is considered in this context.

- Perceived adverse impact on the local economy and town centre - the existing car park is unrestricted and well utilised by customers to other premises in the town centre, the town would be less attractive, visitors to the supermarket would not spend money in other local shops;

In line with the Government's Scottish Planning Policy, the planning policy approach in terms of firstly directing development to town centres is set out above. This approach seeks to promote and enhance the vitality and viability of town centres, as mixed use locations for retail, office and commercial leisure development that help to sustain those centres as vibrant centres for their local communities. The proposals are intended to facilitate a new supermarket being provided in the town, and there is no evidence to suggest that customers to the proposed supermarket would not also seek to take advantage of the other conveniently located shops and services in the town. In contrast, the central and town centre location of the site is considered to afford the opportunity for increased footfall, a greater concentration of facilities for local residents, and the potential for linked trips to multiple commercial premises. Troon is noted to have a large number of residential properties within walking and/ or cycling distance of the town, and additionally the town is served by public transport with bus routes and a train station in close proximity to the application site. Given the aforementioned, the proposal is considered to represent an appropriate form of sustainable development in an appropriate and sustainable location. For the reasons noted elsewhere in this report, it is not considered that the intended use will negatively impact on or detract from the local economy. The application is considered in this context.

- Other concerns including; the existing premises are the subject of a lease agreement, existing retailers would be displaced and/ or lost, and there are a lack of alternative locations locally, adverse impact to charitable organisations through loss of revenue, potential impact on remaining retailers, perceived lack of need for additional supermarket, and availability of other supermarkets in other towns, proposals are not in the long term public interest impact on existing small businesses and retailers from multi-national corporation, need for continued access to neighbouring land and property to be retained;

The basis under which the existing retailers occupy the existing building is not a matter for the planning authority, and any existing lease arrangements are, more appropriately a matter for the owner of the premises to address. Any perceived or actual lack of alternative retail premises, and potential loss of revenue for charitable organisations is not a matter which is relevant in the consideration of the current application. Notwithstanding this, the Planning Service has contacted the Economic Development service of the Council so that existing retailers can be appropriately signposted in finding alternative premises should they wish to do so.

The applicant is not required to demonstrate a need for the proposals. A tangible benefit of the proposals is the introduction of an additional supermarket in the town so as to provide an increased range and choice of convenience shopping for local residents. Additionally, the proposals also have the combined potential to retain not only, consumer expenditure in the local economy of Troon, but also to avoid or reduce the need for trips to other supermarkets in other locations, to the benefit of the local economy of Troon.

In terms of whether the proposals are considered to be in the public interest, the purpose of planning (as set out in the Planning (Scotland) Act 2019 and also Planning Circular 3/2013 Development Management Procedures) is to manage the development and use of land in the long-term public interest, rather than to promote or protect the interests of one person or business against the activities of another. Circular 3/2013 provides additional guidance to planning authorities and those responsible for the determination of applications for planning permission in order to more clearly distinguish between public and private interests, and notes that "the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development." Given the aforementioned, the potential for the proposals to compete with or impact financially on existing business is not a matter for the planning authority. Arguably, the proposals seek to provide an additional supermarket offering increased consumer choice for convenience shopping in a central and accessible location, which could be considered as being in the long term interest of the town and its residents. As noted above, the proposals also have the combined the potential to retain not only, consumer expenditure in the local economy of Troon, but also to avoid or reduce the need for trips to other supermarkets in other locations, to the benefit of the local economy of Troon.

In terms of the access arrangements to nearby properties on the north-western side of Academy Street, this is also, more appropriately a matter for the applicant to address with the landowner, and/ or leaseholder, rather than a matter for the planning authority to address. Notwithstanding, it is expected that existing access to and from the rear of the adjacent properties are maintained under the proposals.

Representations supporting the development proposals have also been received, and which are summarised as follows;

- Historic use of the site and building as a car park;
- Potential job creation and knock-on benefits to local economy for local shops and restaurants;
- Potential for proposals to contain expenditure in local economy of Troon, and for existing uses to re-use empty premises within the town;
- Perceived need for an additional supermarket in town to provide increased choice and competition;
- Potential for proposals to avoid trips to towns out of South Ayrshire could reduce the carbon footprint of residents;
- Parking in the locale is readily available and free and the proposals provide an opportunity to improve the car park and to reduce long-term parking;

The terms of the supporting comments are noted.

vi. Impact on the Locality:

The application site is located within the town centre where a range of different land uses co-exist. It is also materially significant that the site was historically occupied by a single retailer as a supermarket. While the premises were sub-divided on the departure of the former supermarket, the proposals now seek to amalgamate 4 of the units to accommodate a new supermarket retailer, with the existing pharmacy being retained. As noted above, various external alterations to the existing building are proposed, including, the installation of a new grey clad shopfront and fascia across the frontage of the site, new fascia cladding is proposed partly around the service area, and also on the rear elevation. The alterations to the exterior of the premises are considered to be acceptable, and given the variety of different styles of buildings in the locale, are not considered to be visually incongruous within this town centre location.

As noted above, the ARA has considered the revised layout and parking arrangements within the car park, and has offered no objection. The proposals also include the formation of two new trolley bays within the car park opposite the existing building, two new charging stations for electric vehicles near the entrance to the site at Academy Street, the installation of a new electrical sub-station adjacent to the service yard. As no details of the aforementioned proposals have been submitted, it is proposed to attach an appropriate planning condition. Given the proposed trolley bays, charging stations and sub-station are entirely contained within the site, are located some distance from residential properties, and by their nature are small scale, ancillary items it is not anticipated that the proposals will adversely impact on the amenity of the locality, or nearby properties.

Overall, given the previous and current commercial use of the site and adjoining buildings, it is considered that neighbouring residential properties presently enjoy a level of amenity which is commensurate with their location adjacent to the town centre, and that the proposal will not significantly alter this. Additionally, the Environmental Health Service has suggested conditions to manage the operational noise levels, and also the hours of deliveries. Appropriate planning conditions are proposed in this regard. For the reasons noted above, it is not considered that the development proposal, subject to being appropriately conditioned, will adversely impact on the amenity of the area.

8. Conclusion:

An assessment of the development proposals is set out above. The application site benefits from a central location within Troon town centre, and the proposals involve the re-use of an existing building, which was historically utilised as a supermarket. The central and town centre location of the site is considered to afford the opportunity for increased footfall, a greater concentration of facilities for local residents with the potential linked trips to multiple commercial premises. As noted elsewhere in this report, the Troon has a large number of residential properties within walking and/ or cycling distance of the town, and additionally the town is served by public transport with bus routes and a train station in close proximity to the application site. Given the aforementioned, the proposal is considered to represent an appropriate form of sustainable development in an appropriate and sustainable location.

There are no objections from consultees, and no material planning considerations that out-weigh the provisions of Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan, the related provisions of the Town Centres and Retail Local Development Plan, or the emerging policy provisions of the South Ayrshire Modified Proposed Local Development Plan 2. Following the above assessment, it is considered that the proposal will not have an adverse impact on the amenity of the adjoining properties or the character and 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, 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, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of an uncontrolled crossing at Academy Street. Thereafter, the crossing shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council.
- (3) That, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of cycle parking accommodating a minimum of 12 cycles shall be provided within the site boundary. Thereafter, the cycle parking shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council.
- (4) That before the first occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the implementation and duration of the plan.
- (5) That, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development. Thereafter, the development shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council.
- (6) That, prior to the commencement of the development, details shall be submitted for the prior written approval of the planning authority of the trolley bays, electric charging points and electrical substation. The substation details shall include the substation being elevated to a level above 3.59 metres AOD. Thereafter, the trolley bays, electric charging points and electrical substation shall be installed as per the agreed specification, and shall be operational prior to the first use of the development, and thereafter retained and maintained to the satisfaction of the Council.

- (7) That the operation of this facility shall not result in an increase of more than 5dB(A) between the existing background noise level (LA90 (1 hour)) and the rating level (LArTr) where Tr = 1 hour daytime and 5 minutes 30 minutes night time as applicable (Measured as per the current version of British Standard 4142 BS 4142;1997, or as may be amended). For the avoidance of doubt BS4142;1997 defines the rating level (LAr Tr) as being the specific noise level LAeq, Tr plus any adjustments for the characteristic features of the sound as detailed in Section 8.2 of the British Standard. An assessment of the existing background noise level carried out by a suitably qualified acoustic consultant or other competent person shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.
- (8) That delivery vehicles for the operation of this facility shall be restricted to between the hours of 7am and 11pm Monday to Sunday, inclusive.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) For the purposes of road safety and the functional operation of the local road network.
- (3) To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel.
- (4) To encourage sustainable means of travel.
- (5) In the interest of road safety.
- (6) To clarify the terms of this permission.
- (7) In order to prevent noise nuisance.
- (8) In the interests of residential amenity.

Advisory Notes:

The Business Gateway Ayrshire (01292 616349) may be able to provide support and/ or advice regarding the availability of alternative retail premises in the area.

List of Determined Plans:

Drawing - Reference No (or Description): AL(0)002 (Rev. P1)

Drawing - Reference No (or Description): AL(0)003 (Rev. P1)

Drawing - Reference No (or Description): AL(0)004 (Rev. P1)

Drawing - Reference No (or Description): AL(0)005 (Rev. P1)

Drawing - Reference No (or Description): AL(0)005 (Rev. P1) Proposed elevations

Drawing - Reference No (or Description): AL(0)011 (Rev. P1)

Drawing - Reference No (or Description): AL(0)012 (Rev. P1)

Drawing - Reference No (or Description): AL(0)013 (Rev. P1)

Drawing - Reference No (or Description): AL(0)001 (Rev. P2)

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
2. Plans and supporting documentation
3. Scottish Planning Policy
4. South Ayrshire Local Development Plan
5. Town Centres and Retail Local Development Plan
6. South Ayrshire Modified Proposed Local Development Plan 2
7. Online representations

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

Ms Fiona Sharp, Supervisory Planner - Place Planning - Telephone 01292 616 147