

REGULATORY PANEL (PLANNING)

Minutes of Meeting held remotely
on 31 March 2022 at 10.00 a.m.

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

Apology: Councillor Brian McGinley

Attending: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; D. Clark, Supervisory Planner (Place Planning), R. Lee, Supervisory Planner (Place Planning), F. Sharp, Supervisory Planner (Place Planning), C. Lobban, Enforcement Officer; E. Goldie, Co-ordinator (Place Planning); G. Senior, Ayrshire Roads Alliance; F. Maher Committee Services Officer; and E. Moore, Clerical Assistant.

In Attendance: Various applicants/agents and interested parties 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 [2 March 2022](#) (issued) were submitted and approved.

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) (issued)

There was submitted a [report](#) (issued) of 31 March 2022 by the Place Directorate, advising:

- (1) That this Council has been consulted by the Scottish Government under Section 37 of the Electricity Act 1989, on three applications (21/01154/DEEM, 21/01137/DEEM and 21/01164/DEEM) 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;
- (2) That this Council is not the determining authority for these proposals; and
- (3) That 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 the Regulatory Panel due to community interest in elements of the Overhead Line.

Prior to the vote, a Member requested that the Service Lead – Planning and Building Standards included with the Council’s observations to the Scottish Government Energy Consents Unit on the three proposed Section 37 applications, a paragraph summarising his comments during the Panel regarding the concerns of the people of Barrhill.

Decided: to agree in terms of paragraph 2 of the report to submit the report as its observations on application 21/01154/DEEM and that no objections be raised; and to approve delegated authority to conclude planning conditions with the Energy Consents Unit should the Scottish Government be minded to grant consent for the application; and to instruct the Service Lead – Planning and Building Standards to include with the Council’s observations to the Energy Consents Unit a paragraph summarising the Member’s comments during the Panel regarding the concerns of the people of Barrhill.

Decided: to agree in terms of paragraph 2 of the report to submit the report as its observations on application 21/01137/DEEM and that no objections be raised; and to approve delegated authority to conclude planning conditions with the Energy Consents Unit should the Scottish Government be minded to grant consent for the application; and to instruct the Service Lead – Planning and Building Standards to include with the Council’s observations to the Energy Consents Unit a paragraph summarising the Member’s comments during the Panel regarding the concerns of the people of Barrhill.

Decided: observations on application 21/01164/DEEM and that no objections be raised; and to approve delegated authority to conclude planning conditions with the Energy Consents Unit should the Scottish Government be minded to grant consent for the application; and to instruct the Service Lead – Planning and Building Standards to include with the Council’s observations to the Energy Consents Unit a paragraph summarising the Member’s comments during the Panel regarding the concerns of the people of Barrhill. to agree in terms of paragraph 2 of the report to submit the report as its

4. Application for Planning Permission

There were submitted reports (issued) of 31 March 2022 by the Director - Place on planning applications for determination.

The Panel considered the following application:

- (1) **22/00041/APP – Land to the North East of Barassie Farm, Kilmarnock Road, Troon** – Erection of detached pavilion building to house communal pump and communal water storage tank.

Decided:- to approve application (Ref: **22/00041/APP**) 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.

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:

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.

- (2) **22/00042/APP – 49 Academy Street, Troon** – 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.

Decided:- to approve application (Ref: **22/00042/APP**) 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.

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 :

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.