

REGULATORY PANEL.

Minutes of meeting held in County Buildings, Wellington Square, Ayr and remotely on 3 September 2020 at 10.00 a.m.

Present

Remotely: Councillors Craig Mackay (Chair); Andy Campbell, Ian Cavana, Alec Clark, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick and Margaret Toner.

Apology: Councillor Brian Connolly.

Attending: K. Briggs, Service Lead – Legal and Licensing; and A. Gibson, Committee Services Officer.

Attending

Remotely: J. Nicol, Service Lead – Planning and Building Standards; M. McClelland, Co-ordinator (Planning); and K. Braidwood, Ayrshire Roads Alliance.

1. Opening Remarks.

The Chair took the sederunt and confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

2. Minutes of previous meetings.

The Minutes of the previous meetings of [24 March](#), [11 June](#) and [24 June](#) 2020 (issued) were submitted and approved.

3. Declarations of Interest.

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

4. **Consultations under Section 36 of the Electricity Act 1989:-**

- (1) **Application under S36 of the Electricity Act 1989 (as amended) for the construction and operation of Clauchrie Windfarm comprising 18 wind turbines (generating capacity of around 100mw) and proposed energy storage facility (storage capacity of up to 25mw) and associated infrastructure - REF: 20/00055/DEEM.**

There was submitted a report ([issued](#)) of August 2020 by the Director (Place)

- (1) advising
- (a) that this Council had been consulted by the Scottish Government, under Section 36 of the Electricity Act 1989, on an application by “Scottish Power Renewables UK” for the erection of a windfarm and associated ancillary development at Clauchrie, 5.5km north-east of the village of Barrhill and 3km south of the village of Barr, South Ayrshire; and
- (b) that this Council was not the determining authority for this proposal; and
- (2) detailing this Council’s response to the Scottish Government which was issued on 24th June 2020.

Decided: to note

- (i) that this report had been submitted as an objection to the Scottish Government;
- (ii) comments submitted to the Scottish Government for consideration in its own assessment of the proposed development and that the report highlighted areas where further work was required; and
- (iii) that in the event that a planning authority objected to a Section 36 application, and did not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decided whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).
- (2) **Application under S36 of the Electricity Act 1989 (as amended) for the construction and operation of a proposed extension to Kilgallioch Windfarm comprising 11 wind turbines (generating capacity of around 62mw) and proposed solar arrays (generating capacity of around 20mw) and associated infrastructure - REF: 20/00067/DEEM.**

There was submitted a report ([issued](#)) of August 2020 by the Director (Place)

- (1) advising
- (a) that this Council has been consulted by the Scottish Government, under Section 36 of the Electricity Act 1989, on an application by “Scottish Power Renewables UK” for the erection of a windfarm and associated ancillary development at Kilgallioch, south of Barrhill;

- (b) that the proposed windfarm was located within the Dumfries and Galloway Council Area; and
 - (c) that this Council was not the determining authority for this proposal; and
- (2) detailing the Council's response to the Scottish Government.

Decided: to note

- (i) that this report had been submitted raising no objections, subject to conditions, to the Scottish Government; and
- (ii) that in the event that a planning authority objected to a Section 36 application, and did not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).

5. **Applications for Planning Permission.**

There was submitted a report of August 2020 by the Director - Place current applications for determination.

The Panel decided as follows:-

- (1) **20/00148/APP – PRESTWICK - 3A Boydfield Avenue** - Change of use and alterations of workshop (class 5) to gymnasium (class 11).

The Panel noted that this application had been withdrawn by the applicant.

- (2) **20/00338/APP – MAYBOLE – Land at Carrick Street** – Erection of dwellinghouse.

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations/objections raised, and following this, heard from the Co-ordinator (Planning) in respect of the application.

The Panel confirmed that they had sufficient information before them to make a decision today.

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

- (a) that the development proposal is contrary to Scottish Planning Policy objectives in relation to Sustainability and Placemaking in so far as the proposal represents overdevelopment of the infill plot which have a negative impact on the residential amenity of the occupants of the property and is considered to provide a visually cramped appearance which is atypical and unsympathetic to the established characteristic of development found in the immediate locality to the detriment of the streetscape and Maybole Conservation Area. Furthermore, the development is considered to adversely impact the privacy of the neighbouring garden ground of the residential properties at 12 and 12a Whitehall; and
- (b) that the development proposal is contrary to the South Ayrshire Local Development Plan, specifically policies in relation to; Sustainable Development and Residential Development within Settlements, release sites and windfall sites by reason that; the proposed dwellinghouse represents overdevelopment of the infill plot which have a negative impact on the residential amenity of the occupants of the property and is considered to provide a visually cramped appearance which is atypical and unsympathetic to the established characteristic of development found in the immediate locality to the detriment of the streetscape and Maybole Conservation Area. Furthermore, the development is considered to adversely impact the privacy of the neighbouring garden ground of the residential properties at 12 and 12a Whitehall.

List of Determined Plans:

Drawing - Reference No (or Description): PI-WDS-01;
 Drawing - Reference No (or Description): PL-WDS-02;
 Drawing - Reference No (or Description): PI-WDS-03;
 Drawing - Reference No (or Description): PI-WDS-04; and
 Other - Reference No (or Description): Planning Design Statement.

- (3) [20/00435/APP](#) – AYR – 3 Summerfield Cottages, 66 Monument Road – Formation of access.

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations/objections raised, and following this, heard from the Co-ordinator (Planning) in respect of the application.

The Panel confirmed that they had sufficient information before them to make a decision today.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 3.6 metres wide over its initial 5 metres and be surfaced for a minimum of 5 metres, as measured from the rear of the public footway prior to operation;
- (c) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (d) that junction access visibility sightline splays of 2.4 metres by 43 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays; and
- (e) that prior to completion of the development any gates shall open inwards away from the public roadway.

Reasons:

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

Advisory Notes:

- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- The Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development.
- 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.

List of Determined Plans:

Drawing - Reference No (or Description): Site and Location Plan;
Other - Reference No (or Description): EXISTING ELEVATIONS;
Other - Reference No (or Description): EXISTING ELEVATIONS;
Other - Reference No (or Description): EXISTING ELEVATIONS; and
Other - Reference No (or Description): EXISTING ELEVATIONS.

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.

The meeting ended at 10.40 a.m.