

REGULATORY PANEL.

Minutes of meeting held remotely
on 1 April 2021 at 10.00 a.m.

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

Attending: K. Briggs, Service Lead – Legal and Licensing; J. Nicol, Service Lead – Planning and Building Standards; M. McClelland, Co-ordinator (Planning); A. Edgar, Supervisory Planner; K. Braidwood, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

1. Opening Remarks.

The Chair 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. 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.

3. Minutes of previous meetings.

The minutes of 3 March 2021 ([issued](#)) were submitted and approved.

4. Application under S36 of the Electricity Act 1989 (as amended) - Dersalloch Windfarm (REF: 20/01085/DEEM).

There was submitted a report ([issued](#)) of March 2021 by the Director – Place

- (1) advising 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) Ltd to install a battery energy storage system (BESS) within the operational Dersalloch Wind Farm site, near Straiton (ECU Case Reference ECU00002112); and
- (2) noting that the Council was not the determining authority for this proposal.

The Panel, after discussion

Decided:

- (a) to express their support in principle for the introduction of energy storage for this and other windfarms within South Ayrshire;
- (b) to submit a holding objection to the Scottish Government to indicate that, although welcoming the technology, the Regulatory Panel, having regard to the adverse landscape impact of the development, object to the proposals. The Council's response should also not that the Regulatory Panel may be minded to withdraw their objection if the applicant can satisfactorily demonstrate the following:-
 - (i) all other possible practical locations for the BESS within the windfarm site have been fully assessed in the same manner as the proposed site in respect to their environmental impact; and
 - (ii) there is no other practical location which would have a significantly lesser impact on the landscape quality of the South Ayrshire Scenic Area. In such an event, the Regulatory Panel would wish to see the current submission amended to include proposals to minimise the landscape impact of the proposed development. Such proposals may include, for example, an earth bund to visually screen the BESS from the B741 road;
- (c) to ask for clarification on why the route used to construct Dersalloch Wind Farm, via the track through Cloncaird Moor (which avoided traffic passing through the village of Straiton) is not proposed to be used to construct the BESS, and if this alternative route is available, to have the current proposal amended accordingly; and
- (d) to approve delegated authority to conclude planning conditions with the Energy Consents Unit should the Scottish Government be minded to grant consent

5. Applications for Planning Permission.

There were submitted reports (issued) of March 2021 by the Director - Place on planning applications for determination.

The Panel decided as follows:-

- (1) 20/00920/PPP- AYR – 5 Green Street –** Erection of residential development.

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

(2) [20/01020/APP](#) – AYR – 12 Castle Walk – Alterations and extension to dwellinghouse.

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations 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 proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Development within Settlements, Release Sites and Windfall Sites, and the provisions of South Ayrshire Council's Supplementary Guidance on House Alterations and Extensions, by reason that the proposed development, by virtue of its scale, massing, design and positioning is not considered to be subsidiary to the original dwellinghouse and is considered to dominate the character and appearance of the original dwellinghouse;
- (b) that the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Development within Settlements, Release Sites and Windfall Sites, and the provisions of South Ayrshire Council's Supplementary Guidance on House Alterations and Extensions, by reason that the height, scale, massing and position of the proposed two storey rear extension and rear garage, shall have a detrimental impact on the residential amenity of the neighbouring property at 11 Castle Walk by way of unacceptable sense of enclosure and loss of daylight;
- (c) that the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Development within Settlements, Release Sites and Windfall Sites, and the provisions of South Ayrshire Council's Supplementary Guidance on House Alterations and Extensions, by reason that the proposed full length window proposed within the eastern elevation of the first floor of the proposed two storey rear extension is situated within 9 metres of the neighbouring boundary and shall have a detrimental impact on the residential amenity of the neighbouring property at 13 Castle way of overlooking;
- (d) that the proposal is contrary to the provisions of Scottish Planning Policy, the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Residential Development within Settlements, Release Sites and Windfall Sites, and the provisions of South Ayrshire Council's Supplementary Guidance on House Alterations and Extensions, by reason that the two-storey front extension, by virtue of its height, scale, massing and positioning beyond the established building line of Castle Walk, increases the visual dominance of the house relative to the existing street scene to the detriment of the visual amenity of the locality and is thus incongruous within the locality;

- (e) that the development proposal is contrary to the Council's Supplementary Planning Guidance in relation to Open Space and Designing New Residential Developments by virtue that the ratio of built form to private garden ground proposed is not commensurate with the private garden ground provision of neighbouring properties.

List of Determined Plans:

Drawing - Reference No (or Description): Existing Floor Plans;
 Drawing - Reference No (or Description): 2;
 Drawing - Reference No (or Description): 2 (Rev. 7);
 Drawing - Reference No (or Description): 3 (Rev. 7);
 Drawing - Reference No (or Description): 4 (Rev. 7);
 Drawing - Reference No (or Description): 6 (Rev. 6);
 Drawing - Reference No (or Description): 7 (Rev. 6);
 Drawing - Reference No (or Description): 8 (Rev. 6); and
 Drawing - Reference No (or Description): Block Plan as Existing and Proposed.

- (3) [20/01027/APP](#) – AYR - 19 Alloway – Alterations to dwellinghouse and formation of vehicular access.

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations 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.

Councillor Connolly, seconded by Councillor Clark moved that the application be approved, subject to the conditions detailed in the report.

By way of Amendment, Councillor Kilpatrick, seconded by Councillor Iain Campbell, moved that the application be refused for the reasons stated.

Following a vote being taken, four Members voted for the Amendment and five for the Motion, which was accordingly declared carried and the Panel

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 full details of any proposed gates to the access shall be provided for the prior written approval of the Planning Authority;

- (c) that full details of any proposed hardstanding within the curtilage of the dwellinghouse shall be submitted for the written approval of the Planning Authority;
- (d) 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, as measured from the rear of the public footway before use of the access commences on site;
- (e) 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;
- (f) that the private access shall be surfaced for a minimum of 5 metres as measured from the rear of the public footway prior to the use of the access commencing on site. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and
- (g) that prior to occupation 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 interests of visual amenity, and to safeguard the character and appearance of the conservation area;
- (c) in the interests of visual amenity, and to safeguard the character and appearance of the conservation area;
- (d) in the interest of road safety and to ensure an acceptable standard of construction;
- (e) in the interest of road safety and avoid the discharge of water on to the public road;
- (f) in the interest of road safety and to ensure an acceptable standard of construction; and
- (g) 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): LOC01;
 Drawing - Reference No (or Description): BP01;
 Drawing - Reference No (or Description): BP02; and
 Drawing - Reference No (or Description): GA01.

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.

(4) **21/00044/APP – ANNBANK - land between Glenview and Eastburn B744 from B742 Junction north of Annbank to B743 Junction – Erection of two dwellinghouses.**

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations 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 prior to occupation of the development any 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;
- (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 Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;

- (d) that all landscaping works and open space provision shall be completed in accordance with the approved landscape drawings prior to the occupation of the last house in the approved development. The open space/landscaped area shall be retained as open space and to this approved standard;
- (e) that notwithstanding the plans hereby approved, precise details of the siting of the bin storage sheds shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site; and
- (f) that notwithstanding the plans hereby approved, screen fencing shall be erected to a height of 2 metres on the mutual boundary with the property located at Eastburn Cottage, the details of which shall be submitted for the prior written approval of the Planning Authority, prior to the occupation of the development.

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;
- (c) in the interest of road safety and to avoid the discharge of water onto the public road;
- (d) to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (e) in the interest of road safety; and
- (f) in the interests of residential amenity.

Advisory Notes:

- 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.
- 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.
- 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.
- 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.

List of Determined Plans:

Drawing - Reference No (or Description): 0362 A PP 01;
 Drawing - Reference No (or Description): 0362 A PP 02;
 Drawing - Reference No (or Description): 0362 A PP 03; and
 Drawing - Reference No (or Description): 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.

6. Concluding Remarks.

On behalf of the Panel, the Chair conveyed their best wishes to Michael McClelland, Co-ordinator (Planning) who would be retiring shortly.

The meeting ended at 11.55 am.