

**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

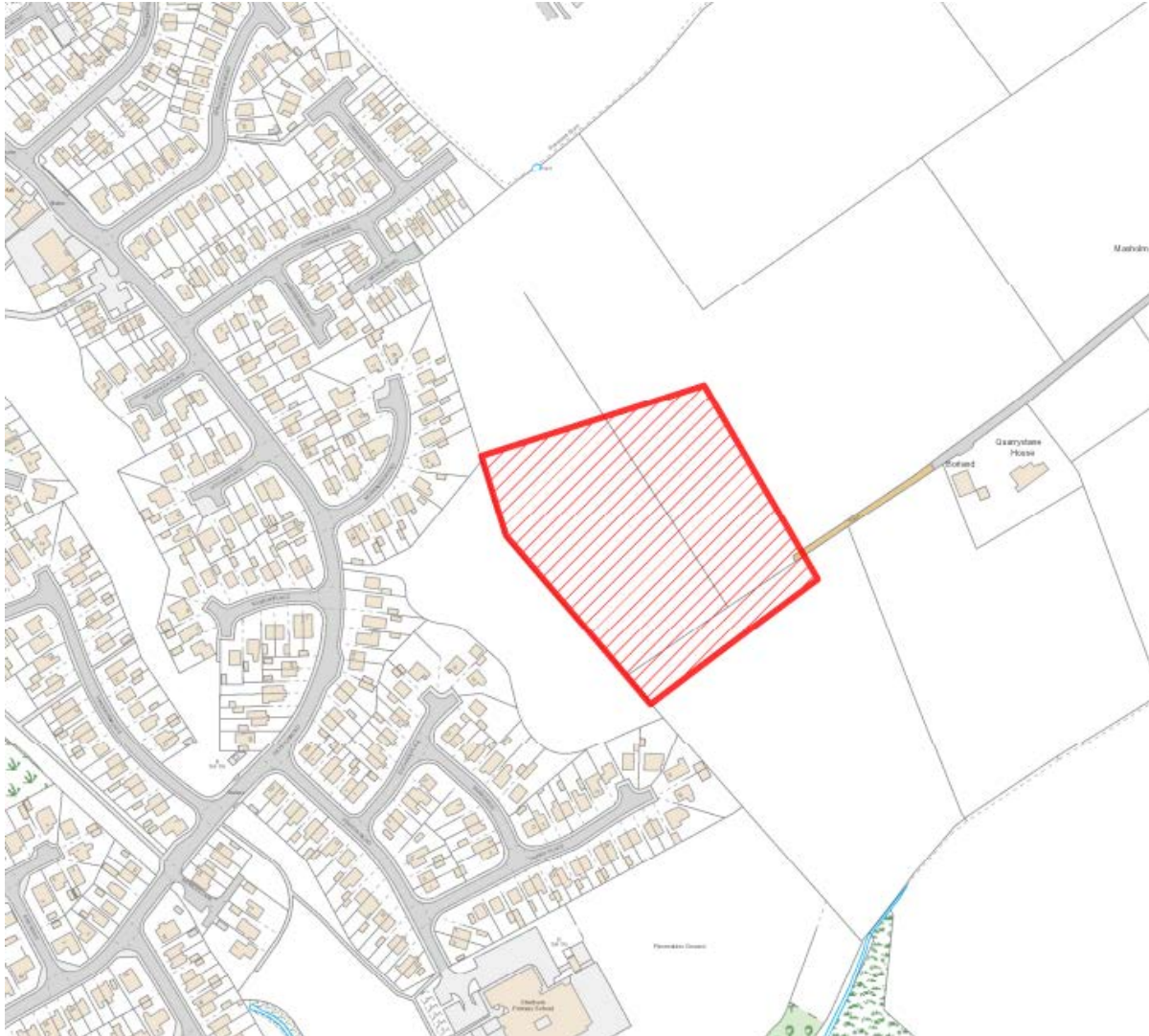
REGULATORY PANEL: 31 MARCH 2022

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

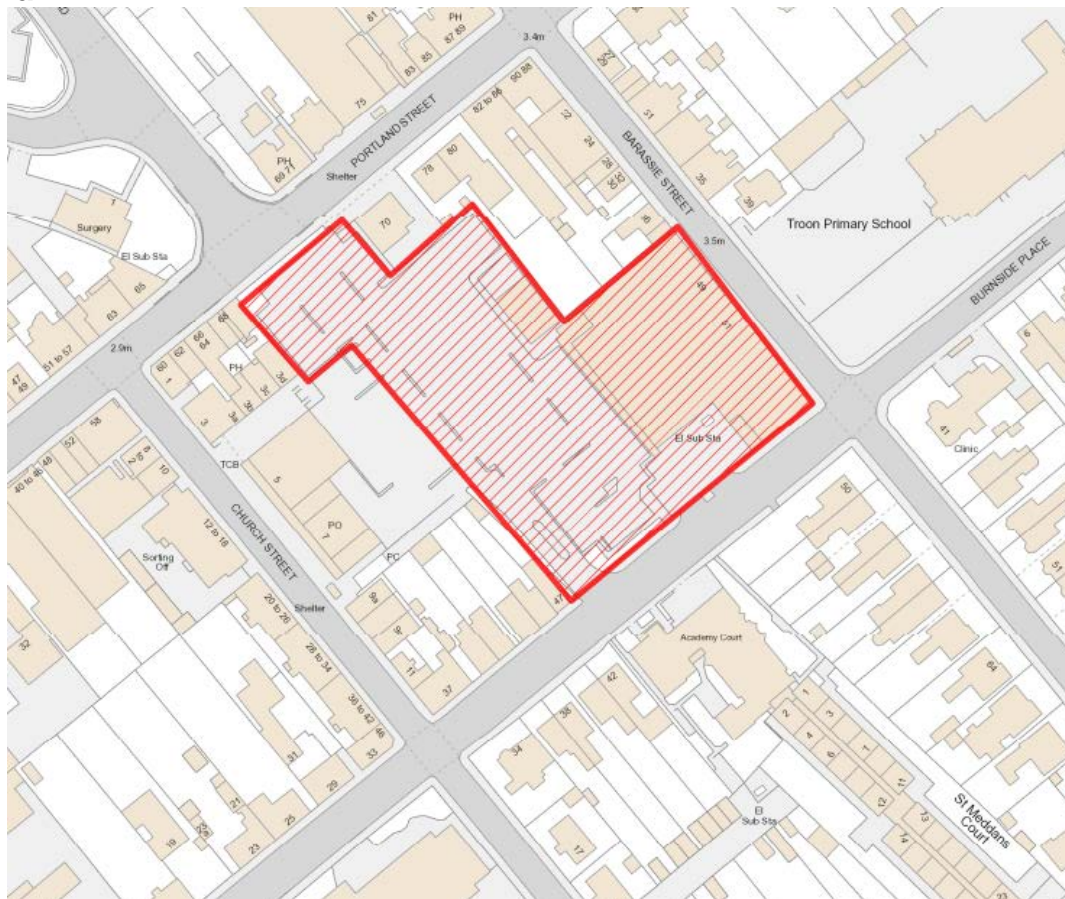
REGULATORY PANEL: 31 MARCH 2022

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