

**REGULATORY PANEL: 15 SEPTEMBER 2022**

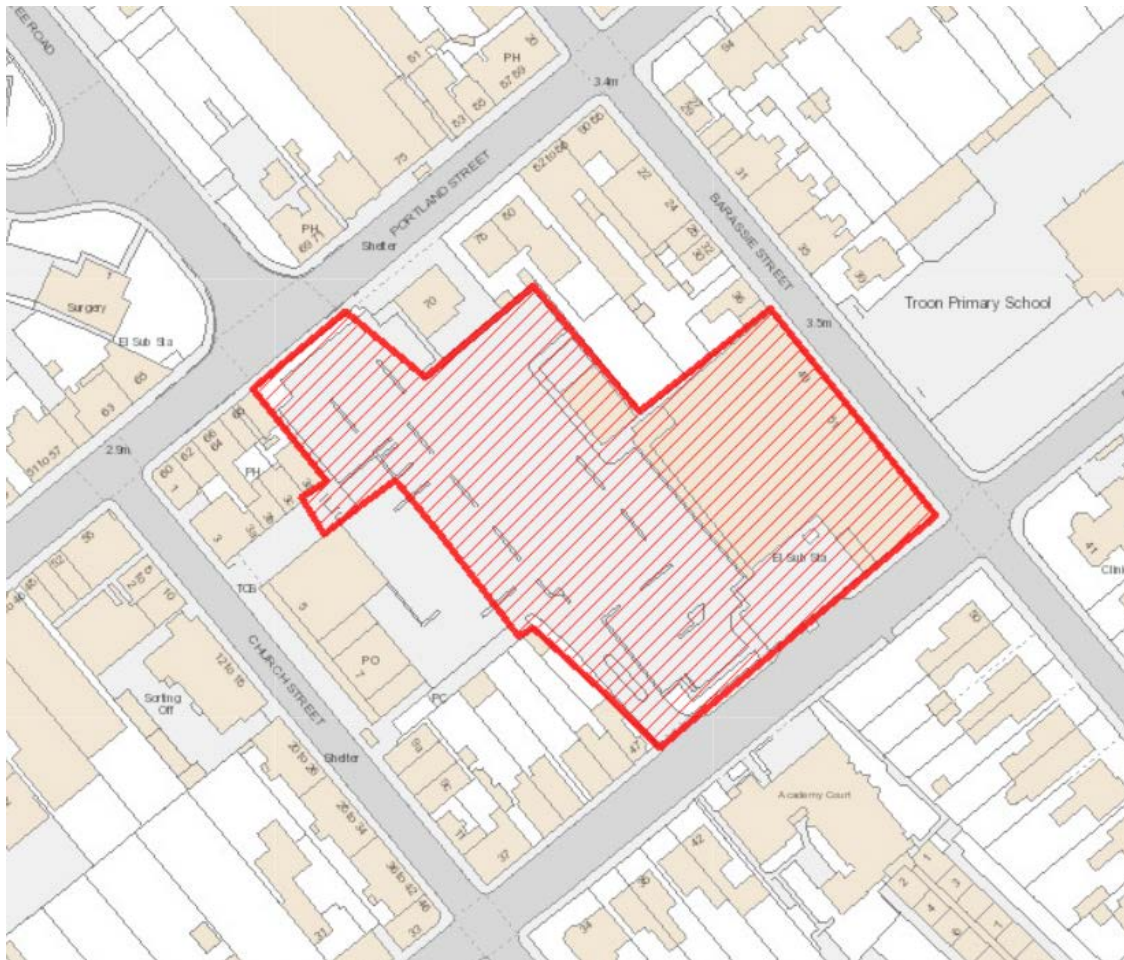
**REPORT BY PLACE DIRECTORATE**

**22/00137/APP**

**49 ACADEMY STREET TROON SOUTH AYRSHIRE KA10 6HR**

**Location Plan**

**APPLICATION SITE**



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**Summary**

Planning permission is sought for the erection of two retail units (one food unit and one non-food unit), with associated access arrangements, parking and landscaping at 49 Academy Street, Troon. 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 owner of the commercial buildings within the site at 49 – 51 Academy Street.

Planning permission was granted under application 22/00042/APP for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit for occupation by a food retailer. The reconfiguration of the car park to provide a reduced level of car parking were also included within application 22/00042/APP. The applicant and intended occupier of the development approved under the earlier application (22/00042/APP) is the same as proposed under the current 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 (10 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 previously developed land, within a sustainable and accessible 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: 15 SEPTEMBER 2022

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00137/APP</b>
<b>SITE ADDRESS:</b>	<b>49 ACADEMY STREET TROON SOUTH AYRSHIRE KA10 6HR</b>
<b>DESCRIPTION:</b>	<b>ERECTION OF TWO RETAIL UNITS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL, SUBJECT TO CONDITIONS</b>

#### 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.

#### **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 northwest 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 access through the site can be obtained via Academy Street, Portland Street, and Church Street. The site lies adjacent to Troon Conservation Area at the western corner of the site at Portland Street.

Planning permission is sought for the erection of two retail units (one food unit and one non-food unit), with associated access arrangements, parking and landscaping. The proposed new foodstore is to be located on the same footprint as the former supermarket, and is shown to be contained within a single storey building with a broadly rectangular footprint of approximately 2,190 sq metres. As per the existing premises, the shopfront and public access will face south-westwards into the car park, a new service yard shall replace the existing service yard onto Academy Street. The submitted drawings show the building to have a shallow pitched mono-pitch roof, with a flat roofed covered entrance. The external materials are shown to comprise of grey and white coloured cladding for the upper and lower portions of the building, respectively. The submitted elevations also show a number of advertising billboards as being located on the front, side and rear elevations.

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The proposed non-food unit is shown as being positioned in the north-western corner of the site, within the existing car park, and adjacent to the cafe and its associated outdoor seating area to the south-east. An existing high brick wall forms the boundary treatment along the north-western and north-eastern boundaries and separates the site from the adjacent veterinary surgery, and flatted residential properties. The submitted drawings show the building to have a footprint of approximately 215 sq metres, to be free-standing, and single storey in height, with a dual frontage to the south-west and partially to the south-east. A bin store and emergency exit is shown to be located on the rear elevation. The proposed external materials comprise two tone buff and brown brock, and grey cladding at fascia and roof level. The submitted plans show deliveries as being taken from within the car park via the public entrance.

The development also includes various ancillary elements, including; the formation of a new trolley bay adjacent to the supermarket building, two new charging stations for electric vehicles and 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 is to be reduced from 182 to 106, which is a further reduction of 13 spaces from the previously approved 119 spaces granted under application 22/00042/APP.

Planning permission was granted under application 22/00042/APP for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit for occupation by a food retailer. Various ancillary elements, including; the formation of two new trolley bays within the car park, two new charging stations for electric vehicles, the installation of a new electrical sub-station, and the reconfiguration of the car park to provide a reduced level of car parking (182 to 119) were also included within application 22/00042/APP. Application 22/00042/APP is materially significant in establishing the principle of a new retail use for intended use as a supermarket within Troon town centre as being acceptable.

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 due to the Council having 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.

**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.

The applicant/ agent has submitted a Transport Statement, including a parking survey, in support of the proposals, the conclusions of which is summarised as follows;

- The study takes cognisance of Transport Scotland's Transport Assessment Guidance, and the guidance and requirements of Scottish Planning Policy.
- The parking for the proposed development will be 106 spaces comprising of 81 standard bays, 9 disabled, 2 electric vehicle bays and 14 parent and child (within the land owned by the applicant), and 131 in total within the car park area (including the area not owned by the applicant).
- In comparison to the development approved under the earlier application (22/00042/APP), the proposed foodstore is 94 sq metres smaller, and the non-food retail unit is 301 sq metres smaller. The reduced floorspace of the development will result in a reduced demand for parking bays, which based on the SCOTS National Roads Development Guide could be up to 17 spaces in total, between the food and non-food uses.
- The loss of 13 bays under the current application is off-set by the afore-mentioned combined reduced floorspace of the proposed food and non-food aspects of the development.

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- The proposed 90-minute parking restriction will ensure a frequent turnover of parking spaces throughout the day, especially at busier times, and will off-set the majority of the reduction in parking spaces.
- National and local transport policies indicate that current walking, cycling and public transport provision in the area is sufficient to accommodate demand associated with the proposals. A Travel Plan will also be provided for staff which will seek to reduce the reliance on single vehicle occupancy.
- The Transport Statement demonstrates that the development site can be accessed by sustainable modes of transport and integrate well within the existing transport network. The site is also noted as being safely accessible from the adjacent road network by private vehicles without compromising the safety or efficiency of road users.

### **4. S75 Obligations:**

None.

### **5. Scottish Ministers Directions:**

None.

### **6. Representations:**

Ten representations to the proposal have been received from eight households, three of which object, four of which support the proposals and one of which is neutral, but which also express some concerns. All representations received can be viewed at [www.south-ayrshire.gov.uk/planning/register.aspx](http://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 the possible loss of the existing occupiers within the site, implementation and operational arrangements of the proposed time limited parking;

Supporting representations have been submitted which consider, in summary, that the proposal will result in positive benefits to the town, its local economy, and its residents through the provision of increased and additional facilities.

The representations in relation to the development proposal are considered further in section 7 (iv.) 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](http://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 (2022), 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>

## Regulatory Panel (Planning):

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- Core Principles;
  - B1 sustainable economic development;
  - B4 regeneration of town centres;
- Strategic Policies;
  - Sustainable Development;
  - Development Management;
- General Policies;
  - Town Centre First Principle;
  - Network of Centres;
  - Town Centre;
  - Historic Environment;
  - Land Use and Transport;

The above policies direct development proposals to the main towns (i.e Ayr, Prestwick, Troon, Maybole and Girvan), and in particular proposals for commercial, industrial or community facilities. In particular, the policies seek 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 a site and adjacent land, which was historically utilised as a supermarket and the associated car park area. The proposals are therefore considered to accord with the above noted policies of the LDP.

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 main 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 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.

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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 submission also confirms the applicant's intention to introduce a 90-minute time limit for visitors to the site, and the wider town centre. The Ayrshire Roads Alliance (ARA) has considered the proposals, including the submitted Transport Statement, and the issue of the loss of parking in line with the SCOTS National Roads Development Guide parking standards, and due to its accessible town centre location, has concluded that, whereas there is some loss of parking spaces, the proposals do not warrant a different recommendation. 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.

Further consideration of the proposals in terms of their impact on the historic environment is set out further 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 development proposal has been assessed against the above policies and is considered to be in accordance with the development plan.

### ii. 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 proposals 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 does not involve the use of greenfield land, but rather, involves the redevelopment of a site occupied by a former supermarket and its associated car park, within Troon town centre to provide two new retail units; one for use as a supermarket on the site of the former supermarket building, and the other as a small, free-standing non-food retail unit within the north-western portion of the car park. The location within the town centre is highly accessible, and the reuse of the previously developed land to accommodate new commercial development 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.

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The proposals have also been considered against the Scottish Government historic environment policy as set out in SPP and also in the Historic Environment Policy for Scotland. Paragraph 143 of the Scottish Planning Policy (SPP) states that proposals for development within conservation areas and proposals outwith conservation areas which will impact on its appearance, character or setting should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. The principles outlined in the SPP are largely emphasised by policies HEP2 and HEP4 of the adopted Historic Environment Policy for Scotland. Policy HEP2 states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment.

While the application site lies adjacent to Troon Conservation Area in the western corner of the site, there are no physical changes to the site at this location, and therefore, the proposals are not considered to impact on the character or appearance of the conservation area at this locale. The application has been considered in this context.

### iii. Planning History of the Site:

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

Planning permission was granted under application 22/00042/APP for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit. Various ancillary elements, including; the formation of two new trolley bays within the car park, two new charging stations for electric vehicles, the installation of a new electrical sub-station, and the reconfiguration of the car park to provide a reduced level of car parking (from 182 to 119) were also included within application 22/00042/APP. The applicant and intended occupier of the development approved under the earlier application (22/00042/APP) is the same as proposed under the current application.

Earlier planning applications at the site are noted to relate to the sub-division, alteration and extension of the former supermarket (03/01271/APP), the erection of the current cafe within the site (14/01216/APP), and the erection of additional retail units (18/00772/APP and 14/01217/APP). It should be noted that the permissions granted under application 14/01217/APP and 18/00772/APP have not been implemented.

### iv. 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 which will deter visitors to the town, vehicles would be displaced from the site potentially resulting in increased on-street parking and congestion, increased traffic and congestion within the town would be detrimental, parking restrictions within the car park would be detrimental;

It is noted that the proposal will result in the further loss of 13 car parking spaces within the existing car park, as compared to the development approved under application 22/00042/APP. The ARA has considered the updated proposals within the current submission, including, the issue of the loss of parking and has concluded that, whereas there is some loss of parking spaces, the proposals, given their accessible and central location in Troon town centre do not warrant a recommendation other than approval. It is also noted that the greater number of the remaining 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 the potential for the proposals to result in increased traffic and/or on-street parking congestion or to adversely impact on pedestrian safety 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 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.



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With regard to the proposed 90-minute limit on vehicle parking times at the site, it is agreed that such a management system has the potential to ensure there is a more regular turnover of short-term parking spaces available for use by all, rather than parking spaces being potentially occupied for extended and potentially protracted periods of time for long-stay parking. The proposed limit on vehicle parking times within the land owned by the applicant is noted by the ARA to primarily be an operational, and management issue for the owner of the land. 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 and its shopping experience would be less attractive, visitors to the supermarket would have insufficient time to visit 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 the provision of an additional retail unit, 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 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: existing retailers would be displaced and/ or lost, perceived lack of need/ rationale for additional supermarket, proposals are not in the long-term public interest, impact on existing small businesses and retailers from multi-national corporations, the implementation and operational arrangements of the proposed time limited parking, including privacy concerns from cameras, and the potential to restrict parking to rear of properties on Academy Street;

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. 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. A new and additional retail unit is also proposed. The proposals are considered to 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. As noted above, the proposed limit on vehicle parking times within the land owned by the applicant is primarily an operational, and management issue for the owner of the land and does not require the benefit planning permission. It is also noted that the land to the rear of properties numbered 39 - 45 Academy Street are identified as being outwith the site of the current application. Notwithstanding, it is expected that the applicant and intended operator of the site, in proposing a time limit on parking, manages the operation of the car park area, taking into account the various adjoining neighbouring landowners and their respective titles and access rights, so as to ensure the appropriate management of the facility, including the positioning of any camera systems away from private residential properties and their associated garden ground.

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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 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.

Representations, noted to be from residents of Troon, supporting the development proposals have also been received, and which are summarised as follows;

- Potential benefits to local economy;
- 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;
- Proposals are better than the ones already granted permission;

The terms of the supporting comments are noted.

### v. 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, and also that planning permission was granted under application 22/0042/APP for the amalgamation of existing retail units to form an enlarged Class 1 retail unit intended for use as new supermarket. The current proposals now seek to establish a new supermarket building being built within the site. The submitted drawings show the proposed new supermarket and its associated service yard as being located on the site of former supermarket and its service yard which bound both Academy Street, and Barassie Street. The submission confirms that the proposed supermarket will require one service vehicle movement per day, which shall deliver goods, and also remove waste. In terms of its design, the proposed supermarket is noted as largely replicating the form and scale of the existing building which currently exists within the site, in terms of being single storey in height. The proposed building is to be finished in cladding, which while different from the locale, is not considered inconsistent, given the location of the site within the town centre, which is characterised by a variety of different buildings and finishes. Therefore, the proposals are considered to have no net detriment over the current visual appearance of the site. In terms of residential amenity, given the previous and current commercial use of the site and the adjacent and nearby commercial uses, it is considered that neighbouring and nearby residential properties presently enjoy a level of amenity which is commensurate with their location adjacent to the town centre, and that the proposals will not significantly alter this. The submitted drawings are noted to include various billboard areas for the display of advertisements on the frontage, rear and side elevations of the proposed building. However, the display of advertisements at the site will require a further application for advertisement consent, and therefore this aspect is outwith the scope of the consideration of the current application. The application is considered in this context.

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With regard to the new retail unit, this is shown to be positioned within the existing car park, and therefore views of the proposed building will be largely contained and limited to the immediate vicinity. The proposed building is small in size (approximately 215 sq metres) and is of a similar size, scale and appearance as the cafe building, which it would be positioned adjacent to. As noted above, an existing high brick wall forms the boundary treatment along the north-western and north-eastern boundaries and separates the proposed small retail unit from the adjacent veterinary surgery, and flatted residential properties. Given that the neighbouring properties are currently located adjacent to commercial properties, and a car park, it is considered that adjacent properties presently enjoy a level of amenity which is commensurate with their location adjacent to the town centre. The mixed uses of buildings, their relationship to each other and, their often close physical proximity to other buildings, and limited areas of open spaces is part of the inherent pattern and character of town centres. In this context, the development proposal is not considered to be at odds with the character of the area, and therefore it is not considered that the proposal will have a significant adverse impact on the amenity of the neighbouring and nearby residential properties. The proposed external materials will complement the adjacent retail premises in terms of being finished in a combination of buff and brown brick, with glazing to the display frontage and partly to the side entrance. In terms of servicing, the submission confirms that the new unit shall be serviced from the car park area, which is consistent with the adjacent cafe unit, with the times of servicing co-ordinated to take place outwith busy periods so as to minimise conflict(s). For the reasons noted above, it is not considered that the proposed additional retail unit will adversely impact on the amenity of the area for an operational or visual perspective. 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.

In relation to the revised layout and parking arrangements within the car park, the ARA has considered the proposals and the submitted Transport Statement, and has offered no objection. The proposals also include the installation of two new charging stations for electric vehicles and the installation of a new electrical sub-station adjacent to the service yard. Cycle parking stands are also proposed at the entrance to the site from Academy Street. As no details of the aforementioned proposals have been submitted, it is proposed to attach an appropriate planning condition. Given the proposed charging stations, sub-station and cycle stands are entirely contained within the site, are located on the opposite side of the road 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.

**Conclusion:**

The proposals are noted to involve the erection of two new retail units (one food unit and one non-food unit), with associated development; an assessment of which is set out above. The application site benefits from a central location within Troon town centre, and the proposals involve the redevelopment of a former supermarket site to provide a new supermarket building, the erection of an addition non-food retail unit, and associated ancillary development. 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 town of 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.

It is also materially significant that planning permission was granted under application 22/00042/APP for alterations to, and amalgamation of existing retail units to form an enlarged Class 1 retail unit for occupation by a food retailer. Various ancillary elements, including; the formation of two new trolley bays within the car park, two new charging stations for electric vehicles, the installation of a new electrical sub-station, and the reconfiguration of the car park to provide a reduced level of car parking were also included within application 22/00042/APP. The applicant and intended occupier of the development approved under the earlier application (22/00042/APP) is the same as proposed under the current application.

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 (2022), or the planning history of the site. 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 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 duration of the plan. The travel plan shall be implemented as approved.
- (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 (LAR<sub>Tr</sub>) 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<sub>Tr</sub>) as being the specific noise level LA<sub>eq, Tr</sub> 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.
- (9) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.
- (10) That, prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority in conjunction with the Ayrshire Roads Alliance. The plan shall describe the methodology for the movement of works traffic to and from the site during both demolition and construction works, and shall include agreement on suitable routes to and from the site and a works programme showing a breakdown of estimated daily trips by vehicle classification. Thereafter the development shall be implemented as per the agreed Construction Traffic Management Plan (CTMP), prior to any movement of works traffic associated with demolition or construction.

## **Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00137/APP)

### **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.
- (9) In the interests of visual amenity.
- (10) In the interest of safety.

### **Advisory Notes:**

- (1) That, notwithstanding the terms of this permission, no permission is hereby granted for the erection of signage at the site, which shall require the submission and grant of advertisement consent.
- (2) 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)001 P2  
Drawing - Reference No (or Description): AL(0)002 P1  
Drawing - Reference No (or Description): AL(0)003 P2  
Drawing - Reference No (or Description): AL(0)004 P1  
Drawing - Reference No (or Description): AL(0)005 P1  
Drawing - Reference No (or Description): AL(0)1011P3  
Drawing - Reference No (or Description): AL(0)1012P3  
Drawing - Reference No (or Description): AL(0)1014 P2  
Drawing - Reference No (or Description): AL(0)2001 P1  
Drawing - Reference No (or Description): AL(0)1013 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 (2022)
5. Planning Application 22/00042/APP
6. Online representations

**Regulatory Panel (Planning):**

Report by Place Directorate (Ref: 22/00137/APP)

**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:**

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