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29 May 2025

**To: Councillors Lamont (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lyons, Mackay and Townson.**

**All other Members for Information Only**

Dear Councillor

**REGULATORY PANEL (PLANNING)**

You are requested to participate in the above Panel to be held on **Thursday, 5 June 2025 at 10.00 a.m.** for the purpose of considering the undernoted business.

**Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Dundonald Room.**

This meeting will be held on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

**CATRIONA CAVES**  
Chief Governance Officer

**B U S I N E S S**

1. Declarations of Interest.
2. Minutes of previous meeting of
  - (a) 3 April 2025 (to follow); and
  - (b) 15 May 2025 (to follow)
3. Hearing relating to an Application for Planning Permission - Submit report by the Housing, Operations and Development Directorate (copy herewith).

For more information on any of the items on this agenda, please telephone June Chapman,  
Committee Services on at 01292 272015, at Wellington Square, Ayr or  
e-mail: [june.chapman@south-ayrshire.gov.uk](mailto:june.chapman@south-ayrshire.gov.uk)  
[www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

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## REGULATORY PANEL: 5 JUNE 2025

### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00752/APP

PUBLIC CONVENIENCE NORTH SHORE ROAD TROON SOUTH AYRSHIRE

#### Location Plan

APPLICATION SITE 



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

## Summary

Planning permission is sought for the erection of a new building to form a restaurant, and an associated change of use of open space to form an extended car park on land at North Shore Road/ Beach Road, Troon. The southernmost portion of the site was previously occupied by the former public conveniences and an adjacent trampoline park. The new building is concentrated on the footprint of the former public convenience building and adjacent trampoline area. The adjacent public car park area is shown to be extended onto the grassed open space area to the north to form an enlarged 28 bay car park for shared use by patrons of the proposed restaurant, and also for continued public parking.

site is designated in the Adopted South Ayrshire Local Development Plan 2 (LDP2) as being within an area of open space. The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, planning history, 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. 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 assessment, it is considered that the proposals shall have acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. Accordingly, it is recommended that the application is approved subject to conditions.

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, as the Council has an ownership interest in the site, and one or more written objection has been received.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

**REGULATORY PANEL: 5 JUNE 2025**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>24/00752/APP</b> <b>Public Convenience</b> <b>North Shore Road</b>
<b>SITE ADDRESS:</b>	<b>Troon</b> <b>South Ayrshire</b>
<b>DESCRIPTION:</b>	<b>Erection of new building to form restaurant and change of use of open space to form car park</b>
<b>RECOMMENDATION:</b>	<b>Approval with 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 (as amended). The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### **Key Information:**

- The application was received on 7 October 2024.
- The application was validated on 7 October 2024.
- A Site Visit was undertaken by the Planning Authority on 8 November 2024.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 13 March 2025.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 22 October 2024.

**1. Proposal:**

The application site comprises the site of the former public conveniences and former trampoline park, adjacent public car park area and area of open space at North Shore Road/ Beach Road, Troon. The site, which is generally flat, is positioned to the west of North Shore Road/ Beach Road and includes part of a larger area of public open space which extends along a large portion of the coastline. The site lies a short distance to the east of Barassie Sands, which together with the North Sands area to the south form part of the Troon North Foreshore Provisional Wildlife Site. In total, the site extends to approximately 1,573 sq metres. The southern portion of the site was historically occupied by public conveniences, and adjacent former trampoline area which is under the ownership of the applicant. The remainder of the site to the north is under the ownership of the Council, and is utilised for public car parking and open space. Residential properties are located to the east of the site and open space is located to the north and south of the site.

Planning permission is sought for the erection of a new building to form a restaurant, and an associated change of use of open space to form an extended car park. The site of the proposed new restaurant is concentrated on the footprint of the former public convenience building and adjacent trampoline area. The proposed restaurant is a single storey building of a contemporary design formed by three low sloping mono-pitch roofs. The main entrances are shown on the eastern and western elevations with the building predominantly having an aspect to the west and south. An outdoor terraced area is formed on the south of the building. The palette of proposed materials includes; smooth white render, buff brick for the basecourse, timber effect cladding and grey profile sheeting for the roof. The main portion of the building shall extend to between 5.4 - 6.6 metres in height. The adjacent public car park area is shown to be extended onto the grassed open space area to the north to form an enlarged 28 bay car park for shared use by patrons of the proposed restaurant, and also for continued public parking.

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, as the Council has a financial and ownership interest in part of the site, and one or more written objection has been received.

**2. Consultations:**

**Ayrshire Roads Alliance** - no objection, subject to conditions.

**Ayrshire Roads Alliance (Flooding)** - no objection.

**Scottish Water** - no objection.

**Scottish Environment Protection Agency** - no objection, subject to conditions.

**Council's Environmental Health Service** - no objection, subject to conditions/ advisory notes.

**Council's Property & Asset Management Service** - no objection.

**Council's Ecology and Biodiversity adviser, AECOM** - 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.

The submission is accompanied by the following information which is summarised as follows;

Design Statement; notes that the site was previously occupied by a former public convenience, with planning permission having been granted under an earlier application (15/00577/APP) for the provision of a restaurant and associated change of use of open space to form a car park. The current design is noted by the agent as being similar to that granted under the earlier application, with the height, scale and massing of the development having been kept to a minimum, and the resultant development not considered to be inconsistent with the area. The potential for job creation and the provision of tourist facilities is also noted, and the applicant/ agent consider the proposals to align with the LDP2.

Ecological Appraisal; considers that there will be no impacts on designated sites, negligible impact on the Troon North Foreshore provisional wildlife site, no impact on any rare or valuable habitats within the site, off-site habitat protection is suggested to protect adjacent land from noise, vibration and dust. A series of biodiversity enhancements measures are suggested for the resultant development, including, bat boxes and bird boxes.

Travel Plan; notes the existing accessibility of the proposed restaurant by walking, cycling and public transport means, and suggests potential measures to influence travel behaviour through a staff travel plan to encourage the use of sustainable modes of transport, and reduce the percentage of single occupancy journeys.

Flood Risk Assessment (FRA); notes that the site is at risk of flooding from extreme sea levels and waves associated with the coastal location of the site. Land raising is recommended by increasing the finished floor level of the development to above 5.45 metres OD, which is 600 mm above the 1 in 200 year + climate change flood level plus an allowance for waves. Land raising would not increase the risk of flooding to others. The FRA recommends that the operators of the premises sign up to the SEPA Floodline Flood Warning System so that appropriate evacuation measures are taken prior to the arrival of an extreme coastal flood event.

Planning Statement/ Additional floodrisk information (February 2025); considers the proposals align with NPF Policy 22 a.iii in terms of being redevelopment of an existing building or site for an equal or less vulnerable use, other similar examples where SEPA have objected on grounds of flood risk, and the proposals have been subsequently cleared by the Scottish Ministers for approval by the relevant planning authority.

### **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:**

Four representation(s) have been received, two of which object to the proposed development, one which is supportive, and one of which is neutral. All representations can be viewed online at [\(Application Summary\)](#)

The principal issues raised by Representees can be summarised as follows;

- Traffic and transport concerns;
- General amenity concerns;
- Processing arrangements;
- General positive benefits;

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 by addressing the Panel directly. 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 development plan, as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), other policy considerations (including government guidance), the planning history of the site, representations received and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) 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 application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at National Planning Framework 4 - gov.scot ([www.gov.scot](http://www.gov.scot)):

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out below.

- 1 and 2 - Tackling the climate and nature crises, and climate mitigation and adaptation;
- 3 and 4 – Biodiversity and Natural Places;
- 9 - Brownfield, vacant and derelict land and empty buildings;
- 13 - Sustainable Transport;
- 14 - Design, quality and place;
- 15 - Local Living and 20-minute neighbourhoods;
- 22 - Flood risk and water management, and
- 30 – Tourism.

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. Policies 3 and 4 protect, and seek to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. Further consideration of the potential impact of the development on the natural environment is set out below.

Policy 9 seeks to direct development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). As noted above, the main southern portion of the site comprises the site of the former public toilets, adjacent former trampoline area, with the existing hard-surfaced public car park to the north. The northern portion of the site is noted to comprise primarily of a grassed area, with a public path extending from the pedestrian crossing on Beach Road to the existing footpath along the coast, with an additional grassed parking area to the north. Given the developed nature of part of the site, the proposal represents the partial use of previously developed brownfield land.

Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support sustainable travel, and travel by means other than private vehicle. The application site is located within the settlement of Troon, is located close to public transport routes along Beach Road, and is partially bound by, and close to existing public footpaths; as such, the locale is considered to represent an accessible location, with options for a choice of modes of transport.

Policy 14 seeks to encourage and promote the 'Place Principle' and the six qualities of successful places (i.e. healthy, pleasant, connected, distinctive, sustainable, and adaptable). Further consideration of the design and layout of the development is set out below. Policy 15 encourages and promotes the Place Principle as a means to create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. In terms of the aforementioned, this could involve the provision of additional facilities for local residents and visitors. In addition, the proposals provide an opportunity to residents for small-scale employment opportunities in an accessible location.

In terms of flooding, policy 22 promotes the avoidance of flood risk, and confirms that proposals at risk of flooding or in a flood risk area will only be supported in a limited number of instances, one of which is criterion iii. which relates to proposals for the redevelopment of an existing building or site, for an equal or less vulnerable use. The Scottish Environment Protection Agency (SEPA) are the Scottish Government key agency responsible for the provision of land use planning advice in respect of coastal and fluvial flooding matters. SEPA's publication Flood Risk and Land Use Vulnerability Guidance (July 2024) supplements policy 22 of the NPF, with table 1 classifying a restaurant/ cafe as a Least Vulnerable use. The other categories being Most Vulnerable, Highly Vulnerable, Essential Infrastructure, and Water Compatible; with the former use of the site not being considered to fall within any of the aforementioned categories. Having considered the historic use of the site and building which previously existed within the site, it is considered that the former use of the site was also a Least Vulnerable use. SEPA has been consulted on the proposals, and has confirmed its view that the former use of the site was a least vulnerable use, with the proposed development also constituting a least vulnerable use. Therefore, it is considered that the proposals accord with NPF Policy 22 criterion iii. in terms constituting the redevelopment of an existing building or site for an equal or less vulnerable use. The submission is accompanied by a Flood Risk Assessment and supporting information which has been considered by SEPA, with no objection being offered to the development proposals, subject to a condition in relation to the finished floor level of the proposed building. In addition, the Ayrshire Roads Alliance in their capacity as the local Flood Risk Management Authority (FMRA) has also been consulted, and has offered no objection to the proposals. Given the aforementioned, the proposals are considered to align with NPF4 and related guidance; the application is considered in this context.

With regard to proposals for tourism related development, Policy 30 outlines that the following factors will be taken into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

The proposals do not directly relate to the provision of tourist facilities, however, it is acknowledged that the facilities could indirectly contribute towards the provision of tourist facilities, therefore encouraging expenditure in the local South Ayrshire economy.

Given the above assessment, the development proposals are considered to align with the policy provisions of NPF4.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/local-development-plan-2):

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, 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.

- Core Principles B1 and C1 - Sustainable Economic Development and Sustainable use of Natural Built and Cultural Heritage Resources;
- Strategic Policies - Sustainable Development and Development Management;
- General Policies;
  - Open Space;
  - The Coast;
  - Flooding and Development;
  - Land Use and Transport, and
  - Tourism;
  - Natural Heritage.

The above Core Principles of the LDP support the principles of sustainable economic development through prioritising the development of brownfield land, land within settlements and sustainable travel. The sustainable use of natural, built and cultural heritage resources are also recognised as being important.

The Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development (inter alia) respects, protects and where possible, enhances natural, built and cultural heritage resources, is in keeping with the character of the landscape and the setting of settlements, embraces the principles of 'place-making', is in an accessible location. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use, that the proposals do not have an unacceptable impact on the amenity of nearby land uses, and are appropriate to the local area in terms of road safety, parking provision and effects on the transport network. The development proposal comprises of a partial brownfield development within the settlement of Troon, which also offers the opportunity to sensitively improve the appearance of the site, and the scenic and environmental quality of the area, whilst protecting the foreshore. Further consideration of the impact of the proposal on the built environment and residential amenity of properties in the vicinity, is set out below. Consultation responses have not raised any objections to the development, subject to relevant conditions and advisory notes.

The site is designated as open space within the Local Development Plan. This policy requires consideration of the value of open spaces, in order that locally significant green spaces which are valued and valuable to the wider environment are afforded appropriate safeguarding. As such, consideration is required of the individual site specific factors relating to this site, and the area in which it is set. Development proposals also require to be considered based on the merits of the proposal and any individual site specific circumstances arising. The application has been considered in this context, and the following is noted;

The southern portion of the site comprises the disused and partially derelict former public toilets, and adjacent former trampoline area. Given the developed nature of part of the site, the proposal partially represents the use of previously developed brownfield land. Additionally, the former public conveniences and adjacent trampoline area, were previously under Council ownership, and were sold to the applicant a number of years ago, with the former building subsequently removed circa 2017. In this context, the proposal is not considered to result in the loss of a public open space, or the loss of publicly accessible buildings.

In terms of the proposed northern portion of the site, the submitted drawings show the formation of an enlarged 28 bay public car park and will result in the loss of a small open area of grass extending to approximately 400 sq metres. The open space which would be lost as a result of the proposal represents approximately 0.5% of the larger adjacent area of open space which extends along the coastline from opposite North Shore Lane and northwards towards Kilmarnock Road which is estimated to be over 64,000 sq metres (6 ha). The grassed area to the north of the site is surrounded by bollards on three sides, and in view of the overall public open space which will remain in the locality, it is not considered that the loss of a small area of open space will undermine the integrity of, or compromise the setting or alter the established character of the wider area of adjacent public open space. No details of the proposed materials for the extended car park have been submitted, however, if formed in reinforced grass ('grasscrete'), as recommended by the ARA then the car park would, when not in use, visually form part of the adjacent larger area of open space. The proposed enlarged car park is intended to provide shared public parking facilities for users of the proposed restaurant facility and also members of the public.

Given the location of the site, the provisions of the coastal policy are also considered to be relevant in the consideration of the proposal. The LDP coastal policy requires development within the coastal areas to be in accordance with the coastal strategy, and to protect or improve the scenic and environmental quality of the area. The coastal strategy map defines the coastal area to the north of Troon as being 'partly developed', and characterised by unobtrusive formal visitor activities and informal recreation. As noted above, the southern portion of the application site has been previously developed. In this context, the site is considered to be typical of the partly developed landscape referred to in the coastal strategy. The Local Development Plan (Appendix B) presumes in favour of very small scale developments which integrate well with existing land uses and which complement the surrounding environment. The term very small scale is taken to mean facilities that would not require substantial building works. In this instance, a new building is proposed, however, the building works are concentrated on the built envelope of the site which comprises the former public toilets and the adjacent trampoline area, and as a consequence represent the brownfield development of previously developed land. The proposed building is single storey in height and retains the generally open characteristics of the wider area. The development also offers the opportunity to improve the visual appearance of the site, which has lain vacant and derelict for a number of years. As noted above, the proposed extended car park would, when not in use, visually form part of the adjacent larger area of open space. As such, the principle of the erection of a new building and extended car park is considered to be broadly in accordance with the provisions of the coastal strategy.

NPF4 policy 22 provides the up-to-date policy regarding planning and flooding which is applicable in the assessment of planning applications and, which supersedes the LDP2 policy in this regard. An assessment of the proposals relative to NPF4 policy 22 is set out above.

In terms of parking provision, the applicant is seeking to provide an enlarged and extended public car park to accommodate up to 28 cars to the north of the existing building in order to satisfy the requirements of the Ayrshire Roads Alliance. The proposed car park is intended to provide shared parking facilities for members of the public, and for patrons of the proposed facility, as a result of mitigating the impact of the development. The formation of an extended parking area will also necessitate the upgrading of the existing car park, and may also necessitate the realignment of the footpath adjacent to the site. To give certainty to the proposals, appropriate planning conditions can be attached to ensure that the upgraded and extended car park and realigned footpath will be completed to the satisfaction of the Council, prior to the operation of the restaurant facility. The Ayrshire Roads Alliance has offered no objection to the development proposal, and as such it is considered that the proposal can satisfy the requirements of the LDP policy in relation to land use and transport.

With regard to protected species, LDP Policy: Natural Heritage states that planning permission will not be granted for a development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. The applicant/ agent has provided a preliminary ecological appraisal report (PEAR) which concludes that the proposals will not impact on the nearby provisional wildlife site which extends along the coastline, and that there are no protected species within the site. The Council's ecological advisors are satisfied with the submitted information, and suggest suitable conditions to secure biodiversity improvements as part of the development, and so as to manage the development via a construction ecological management plan (CEMP). Therefore, it is considered that the proposals do not have an adverse effect on the natural heritage, and provide an opportunity to effect small scale biodiversity enhancements.

The LDP Tourism policy seeks to promote proposals which will provide or improve tourist and leisure facilities. It is noted that the proposed restaurant facility has the potential to provide additional facilities for tourists and residents in the locality, and is therefore considered to align with the LDP Tourism policy.

Overall, for the reasons noted above, and elsewhere in this report, the proposals are considered to accord with the above noted policies of the development plan comprising of the combined provisions of NPF4 and the SALDP.

(iii) Other Policy Considerations (including Government Guidance)

Developing with Nature Guidance (NatureScot):

Provides guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c). This guidance has been published in support of policy 3(c) of National Planning Framework 4 in relation to planning applications. The Council's ecological advisors are satisfied with the submitted information, concluding that proposals do not have an adverse effect on the natural heritage, and provide an opportunity to effect small scale biodiversity enhancements; the application is considered in this context.

South Ayrshire Open Space Strategy 2012:

The Council has produced an Open Space Strategy. The Strategy, which is based on a quantitative and qualitative audit of open space in South Ayrshire, sets out a vision for the provision, management and maintenance of open spaces within the Council's area. It is intended to improve the quality, management, accessibility and usage of parks and other open spaces and identify the need for new or improved facilities where there are deficits in provision. The Open Space Strategy estimates the provision of Council owned open space within the ward in which the application site is set to be approximately 236 ha. A large amount of this open space provision is formed by the areas of open space which extend along the coastline to the north and south of the town. Whilst generally seeking to protect and improve open spaces, the Strategy does not preclude them from being developed. However, development proposals also require to be considered based on the provisions of the development plan, merits of the proposal and any individual site specific circumstances arising; the application is considered in this context.

(iv) Planning History of the Site:

An earlier planning application (reference 15/00577/APP) for the change of use, alterations and extension to public convenience to form a Class 3 restaurant for food and drink, and the associated change of use of open space to form a car park was approved, subject to various conditions. Notwithstanding the aforementioned description, the approved drawings showed the development to take the form of a new building. The planning permission granted under application 15/00577/APP has not been implemented and has now lapsed giving it a lesser material weight than the current and updated development plan as set out in the combined policy provisions of NPF4, and SALDP2, against which an assessment of the development proposals is set out above. For the reasons noted within this report, the proposals are considered to be acceptable, subject to suitable conditions being attached to any planning permission.

(v) Representations Received

The representations received in relation to the proposal are summarised, and responded to below, as follows;

- Traffic and Transport concerns; increase in traffic both visitors, delivery/ service vehicles, less space for visitors to beach, potential for traffic to spill into adjacent areas;

The Ayrshire Roads Alliance (ARA) has confirmed that the proposed number of parking spaces to be provided is sufficient to serve the anticipated needs of both members of the public, and patrons of the proposed restaurant facility. On this basis, it is considered that the proposed parking provision is acceptable, and therefore the proposal is unlikely to result in overspill parking onto adjacent areas. Additionally, it is noted that the area benefits from being located in close proximity to a choice of mode of transport, including; bus stops, and walking and cycling facilities. It is acknowledged that the development will necessitate an element of deliveries so as to service the intended restaurant, which is a common occurrence for commercial properties. The nearby shops at Burnfoot Avenue opposite the site will have their own servicing needs, and as such, the servicing of an additional commercial development in the locale is not out-of-keeping with the area. The ARA has offered no objection to the servicing of the development from an operational perspective.

- General amenity concerns; potential increase in litter, loss of view of beach, other more suitable locations, availability of alternative restaurants in Troon;

It is a matter for the owner/ operator of the premises to appropriately manage their waste as a consequence of the development, this could include the provision of public bins to assist with managing the waste from any takeaway items; an appropriate condition is attached below regarding the need for a details of the servicing of the development to be submitted. It is noted that the proposal will alter the visual appearance of the site in terms of the erection of a new building, however, as noted above, the site was historically occupied by a single storey building utilised as a public convenience. Since the removal of the former building, the site has lain vacant. In this context, it is considered that the proposal has the opportunity to improve the visual appearance of the site, which while it will alter the outlook of the area, it is not considered that a replacement larger single storey building would be out of keeping in the locale. Overall, for the reasons noted in this report, it is not considered that the proposal will have a detrimental impact on the visual or residential amenity of properties in the locality. The applicant/ agent is not required to demonstrate a need for the development proposal, or to consider alternative locations, the application requires to be considered on its own planning merit.

- Processing arrangements, specifically regarding the neighbour notification process/ lack of properties notified;

The local authority has undertaken the neighbour notification in line with the provisions of the planning legislation, as set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, with a notice served to owner/ occupiers on 15 October 2024, and a further notification issued to relevant parties to advise of the submission of additional information. In addition, an advertisement was placed in the local press on 22 October 2024. The aforementioned notification and advertisement arrangements meet with the requirements of the relevant planning legislation.

- General positive benefits of the development; enhancing amenities at Barassie, sustainable development which re-uses previously developed and under-utilised land, supports the local economy and encourages tourism, proposals aligns with the LDP2 and national planning policies, traffic concerns are unfounded;

The supporting comments are noted.

(vi) Impact on the Locality

The application site is defined in the LDP as being within an area of open space, and in this regard it is noted that the site is bound by a large area of open space to the south, the coast to the west, and to the north by an existing car park with large areas of open space beyond. In this regard the site is not considered to be located within a residential area, as defined by the LDP. Notwithstanding, there are residential properties (flats and houses) located to the east of Beach Road, and therefore careful consideration of the impact of the proposal on the amenity of neighbouring properties is required. The residential property at 198 North Shore Road to the east of the site is approximately 38 metres from the proposed building. To the north-east the flatted block at 8 Barassiebank Lane is located approximately 35 metres from the proposed building. Under the development proposals, these separation distances will largely be retained.

The site currently comprises of vacant previously developed land and adjacent car park, which has the potential to attract users at any time of the day or night. The development proposals offer the opportunity to provide a new replacement managed building, and also the surveillance of the adjacent car park. Additionally, in view of the distance to be retained, and the physical separation of the site by Beach Road which is a main arterial route to, and from Troon, it is not considered that the development proposal will cause undue harm to the residential amenity of nearby property. It is also noted that there are existing local commercial facilities located a short distance from the site at Barassiebank Lane which comprise; a hot food takeaway, convenience store and post office. In this regard, the provision of further local commercial development is not inconsistent with the locality and amenity of the area.

In terms of the siting and design of the proposed building, it will occupy a larger footprint than the existing buildings, however, there are no policy issues associated with the proposal, and it is considered that given the extent of open space adjacent to the site, the proposal can be easily absorbed into the context of the existing surroundings. The building is of a contemporary design formed by a series of three low sloping mono-pitch roofs, with the main portion of the building extending between 5.4 - 6.6 metres in height. The main entrances are shown on the eastern and western elevations with the building predominantly having an aspect to the west and south rather than towards residential property. The new building will be taller than the former public conveniences, however, given the distance to neighbouring property it is considered that the proposed building will not adversely impact on the amenity of the locality, or on the amenity of nearby land and property. In addition, the height of the building also allows for a finished floor level and freeboard which are above the 1 in 200 year, plus climate change flood level plus as allowance for waves, and proposed the use of flood resistant and resilient material which is good practice and recommended by the Flood Risk Assessment.

Overall, the siting and design of the proposed building is considered to be acceptable. An appropriate planning condition will be required which ensures the external materials of the proposed building are agreed with the Planning Authority, prior to the commencement of works.

The development proposal has been predicated on the basis of an upgraded and enlarged shared public car park being provided to meet the anticipated needs of members of the public, and also for patrons of the restaurant facility; in this regard the adjacent car park area is shown to be extended onto the grassed open space area to provide an enlarged 28 bay car park is proposed for shared use. It is understood that the proposed car park intended to serve the facility is located on land which is not under the ownership of the applicant, and as such, the applicant/ agent has correctly identified the ownership of the site, and has served notice on the Council, as landowner. In this regard, the applicant will require the agreement of the landowner, in this instance South Ayrshire Council Estates Service, in order to utilise the adjacent public car park and the adjacent open space. In order to ensure that the facility has access to parking facilities, an appropriate planning condition will be required to ensure that the proposed works to form the upgraded and enlarged car park and the realigned footpath are undertaken, prior to the operation of the restaurant facility. Such a condition does not bind the Council, as landowner, and the applicant requires to conclude such arrangements with the Council in that regard; and outwith the consideration of this planning application. Overall, the planning application has been appropriately assessed in terms of its land-use considerations.

In terms of the loss of public open space, it is considered that the area of open space to be lost is relatively small in size and its loss will not undermine the integrity of, or compromise the setting or alter the established character of the wider area of adjacent public open space. Notwithstanding the loss of a small area of open space arising from the proposals, large areas of public open space will remain immediately adjacent to the site for use by the public. Similarly, the proposals are not considered to impact on the natural environment, or on the nearby Provisional Wildlife Site.

There are no concerns regarding the physical proposals, subject to appropriate conditions being attached to any permission. Consultation responses do not raise any over-riding issues, and appropriate conditions can be attached to meet with the advice and requirements of consultees. For the reasons noted in this report, the proposal is considered to represent a suitable form of sustainable development, in an appropriate and sustainable location.

## **8. Conclusion:**

In summary, planning permission is sought for the erection of a new building to form a restaurant, and the associated change of use of open space to form a car park. The adjacent car park area is shown to be extended onto the grassed area adjacent to the pedestrian crossing to the north, with an upgraded and enlarged 28 bay public car park proposed for shared use. As noted in elsewhere in this report, this is a separate legal matter for the owners of the site to address, and is not a planning matter which is relevant to the Planning Authority in its determination of the development proposals. Notwithstanding, the development proposal has been predicated on the basis of an upgraded and enlarged shared car park being provided to meet the anticipated needs of members of the public, and patrons of the restaurant facility, and therefore, it is proposed to attach appropriate planning conditions to ensure that the required works to form the upgraded and extended car park and realigned public footpath are carried out prior to the operation of the restaurant facility. Appropriate planning conditions are also proposed to address the comments from consultees, and matters noted within this report, including, floodrisk, and in particular the finished floor level of the building, and also that owner/ operator sign up to SEPAs Floodline Flood Warning System and that appropriate evacuation measures are taken, prior to the arrival of an extreme coastal flood event.

Overall, there are no material planning considerations that out-weigh the provisions of development plan, as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), and the material considerations noted above. Following the above assessment, it is considered that the proposal, subject to being appropriately conditioned, complies with the development plan, and has an acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. 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. 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 below.

**9. Recommendation:**

It is recommended that the application is approved subject to the following conditions;

- (1C) That the development hereby permitted must be begun within three years of the date of this permission.
- (1R) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2C) 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.
- (2R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3C) 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 shall be implemented as approved. The external materials to be utilised shall consist of flood resistant and resilient materials.
- (3R) In the interests of visual amenity.
- (4C) Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007 (or as amended).
- (4R) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
- (5C) That, the operation of the restaurant facility shall not commence, until such a time that the works to form the upgraded and extended car park as shown on the approved plans have been completed to the satisfaction of the Planning Authority, in conjunction with the Ayrshire Roads Alliance.
- (5R) For the purposes of road safety and functional operation of the local road network.
- (6C) That, prior to the commencement of development, details shall be submitted for the written approval of the Planning Authority, in conjunction with the Ayrshire Roads Alliance, of the measures to upgrade the existing car park, and in terms of how the extended car park area is to be formed, including; surface details, and the provision of replacement bollards, and the formation of parking bays. Thereafter, the car park areas and associated works shall be implemented as per the agreed specification and shall be retained in perpetuity, for the lifetime of the development.
- (6R) In the interest of road safety and to ensure an acceptable standard of construction.
- (7C) That, the operation of the restaurant facility shall not commence, until such a time that the existing footpath link running between the controlled pedestrian crossing on North Shore Road and the Promenade has been widened and/ or realigned as required to maintain a minimum 3 metre width over the entire length of the footpath. The detailed design of the footpath shall be submitted for the written approval of the Planning Authority, in conjunction with the Ayrshire Roads Alliance, prior to the commencement of works on-site.
- (7R) In the interest of road safety and to ensure an acceptable standard of construction, and to encourage sustainable means of travel.
- (8C) That before the operation of the facility commences, a Travel Plan shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Ayrshire Roads Alliance as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car.
- (8R) To encourage sustainable means of travel.

- (9C) That prior to the commencement of development, details shall be submitted of cycle parking for a minimum of 10 cycles for the written approval of the Council as Planning Authority (in consultation with the Ayrshire Roads Alliance as Roads Authority. Thereafter, the agreed cycle parking shall be implemented as per the agreed specification and shall be retained in perpetuity, for the lifetime of the development.
- (9R) To encourage sustainable means of travel.
- (10C) That off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan.
- (10R) In the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off site car parking.
- (11C) That parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres.
- (11R) To ensure adequate off-street parking provision.
- (12C) That before any works start on site, details shall be submitted for the prior written approval of the Planning Authority, in conjunction with the Ayrshire Roads Alliance, of the servicing arrangements for vehicles, and waste management arrangements for the proposed development. Thereafter, servicing and waste management shall be carried out in accordance with the arrangements approved under the terms of this condition.
- (12R) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning, and the provision of adequate waste management facilities.
- (13C) That, prior to the commencement of works on-site, details shall be submitted of a suitable ventilation system incorporating an air dilution and/or filtration system for the written approval of the Planning Authority, in conjunction with the Council's Environmental Health Service. Thereafter, the system shall be installed and operational prior to the operation of the facility and thereafter shall be retained as approved.
- (13R) To satisfy the requirements of the Council's Environmental Health Service.
- (14C) That, prior to the commencement of works on-site, details shall be submitted of any proposed external seating area/ and or any means of enclosure to the south of the site, for the written approval of the Planning Authority. Thereafter, any external seating area and boundary treatment shall be formed as per the agreed specification.
- (14R) In the interest of visual amenity.
- (15C) That no development shall commence on-site until such a time as full details of a flood mitigation and evacuation plan for the development has been submitted for the prior written approval of the Council as planning authority. Thereafter, the flood mitigation and evacuation plan shall be adhered to at all times, and shall remain in place for the lifetime of the development.
- (15R) In the interest of flood mitigation.
- (16C) That, prior to its first operation, the development hereby permitted shall have a minimum finished floor level of 5.45 metres AOD, and shall be retained as such, for the lifetime of the development, to the satisfaction of the Council.
- (16R) To alleviate any risk of flooding to the development.
- (17C) That, prior to the commencement of development on-site, details shall be submitted for the prior written approval of the planning authority of the proposed biodiversity enhancement measures to be undertaken at the site, which shall include the planting of native species appropriate to a coastal location. Thereafter, the development shall be implemented as per the agreed specification, and retained for the lifetime of the development.
- (17R) In the interests of biodiversity.

(18C) That, prior to the commencement of development on-site, a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling shall be submitted to and approved in writing by the planning authority. The CEMP shall include (but shall not be limited to):

- a. a site waste management plan;
- b. a dust management plan;
- c. site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network and site entrances;
- e. a pollution prevention and control method statement, including arrangements for the storage and management of oil, fuel and other chemicals on the site;
- f. soil storage and management;
- g. a water and drainage management plan for all groundwater, surface and waste water;
- h. details of any temporary site illumination;
- i. the method of construction of the access into the site and the creation and maintenance of associated visibility splays;
- j. details of the methods to be adopted to reduce the effects of noise occurring during the construction period;
- k. the presence or absence of any invasive non-native species (INNS) within the site, and any mitigation measures proposed;
- l. methodology for the movement of all demolition and construction traffic to and from the site including routing, hours of operation, wheel washing facilities.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in writing by the planning authority.

(18R) In the interests of amenity.

#### **9.1 Advisory Notes:**

- (1) Food Safety - The premises require to fully comply with the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 and any Regulations and requirements therein and thereto.
- (2) Public Health - Refuse Stores - Adequate provision must be made for the storage and disposal of food waste, non-edible by-products and other refuse.
- (3) Refuse stores are to be designed and managed in such a way as to enable them to be kept clean and, where necessary, free of animals and pests.
- (4) The proposed plans do not set out clearly where any cooking facilities, hand wash sinks or raw and ready to eat preparation areas would be. Further information about the type and the location of these installations within the kitchen is needed.
- (5) That the application site delineated in red on the submitted plans is not indicative of the planning unit associated with the proposed restaurant facility. For the avoidance of doubt, the planning unit associated with the restaurant facility extends to the built footprint of the buildings only.
- (6) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.

#### **9.2 List of Determined Plans:**

Drawing - Reference No (or Description): 546/01

Drawing - Reference No (or Description): 546/02

Drawing - Reference No (or Description): 546/03

Drawing - Reference No (or Description): 546/04

Drawing - Reference No (or Description): 546/05

Drawing - Reference No (or Description): 546/06

Drawing - Reference No (or Description): 546/07

Drawing - Reference No (or Description): 546/08

Drawing - Reference No (or Description): 546/09

Supporting Information - Reference No (or Description): Design Statement

Supporting Information - Reference No (or Description): Design Statement

Supporting Information - Reference No (or Description): Flood Risk Assessment

Supporting Information - Reference No (or Description): Travel Plan

Supporting Information - Reference No (or Description): Additional Planning Information

### **9.3 Reason for Decision (where approved):**

The siting and design of the development hereby approved is considered to accord with the provisions of the statutory development plan and through a combination of factors including the appropriate site layout and design, and condition. There is no significant adverse impact on the amenity of neighbouring land and buildings that would warrant a different recommendation.

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. Application form, drawings and supporting information
2. Representations
3. National Planning Framework 4 (NPF 4)
4. Adopted Local Development Plan 2 (LDP2)
5. SEPA Floodrisk and Land Use Vulnerability Guidance
5. Consultation responses
6. Planning application 15/00577/APP

### **Integrated Impact Assessment:**

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

### **Person to Contact:**

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