

**SOUTH AYRSHIRE COUNCIL (SPECIAL).**

Minutes of special meeting in County Buildings, Wellington Square, Ayr,  
on 19th January 2011 at 11.50 a.m.

**Present:** Councillors Winifred Sloan (Provost), John Allan, Eddie Bulik, Andy Campbell, Douglas Campbell, Ian Cavana, Brian Connolly, Peter Convery, Hywel Davies, Ian Douglas, Stan Fisher, Ian Fitzsimmons, Ann Galbraith, Sandra Goldie, Bill Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, Elaine Little, Mairi Low, John McDowall, Nan McFarlane, Bill McIntosh, Helen Moonie, Alec Oattes, Mike Peddie, Robin Reid, Philip Saxton, Tom Slider and Margaret Toner.

**Attending:** D. Anderson, Chief Executive; H. Garland, Executive Director – Children and Community; E. Howat, Executive Director – Corporate Services; L. Bloomer, Executive Director – Development and Environment; M. Newall, Head of Planning and Enterprise; C. Cox, Planning Manager; A. Cooke, Supervisory Planner, Priority Response Team; W. Carlaw, Acting Legal Manager; K. Leinster, Head of Community Care and Housing; J. Cronin, Strategic Service Planning Manager; J. McQuillan, Head of Property and Neighbourhood Services; R. Kingisepp, Office Manager (Property and Asset Management); D. Robertson, Public Communications Manager; and D. Knight, Committee Services Officer.

**1. Provost.**

The Provost

- (1) welcomed Members to this special meeting;
- (2) wished both Councillors Hampton and Slider a happy birthday;
- (3) congratulated Ayr United Football on their defeat of Hibernian Football Club in the Scottish Cup the previous evening;
- (4) advised that
  - (a) she had written expressing the Council's warmest congratulations to the undernoted people from South Ayrshire who have been recipients of awards in the New Year Honours' List, namely:-
    - Liz Buchanan, Troon who works as VisitScotland's Regional Director has received an MBE for Services to Tourism; and
    - Tom Williams, Ayr, Executive Vice-President Airbus has received an CBE for his leadership of the Airbus business and contributions to the wider UK aerospace industry; and
  - (b) the undernoted people who were formerly from South Ayrshire have also been recipients of awards in the New Year Honours' List, namely:-
    - Dr. Dennis Gunning, a former chemistry teacher at Marr College has received a CBE for his services to education and now lives in Cardiff; and
    - Johan Findlay, JP has received an OBE for her services to the administration of justice in Scotland. Mrs Findlay was originally from Maybole and now lives in Lockerbie; and

- (5) intimated that an urgent additional item of business had arisen in relation to the Proposed Housing Capital Programme for 2011/12 and that this matter would be taken after consideration of item 3 on the agenda.

**2. Sederunt.**

The Chief Executive called the Sederunt for the meeting.

**3. Application for Planning Permission in Principle – Auchincruive Estate, Ayr (Ref: 09/01416/PPPM).**

Following consideration of an application for planning permission in principle for proposed mixed use development comprising business and research floorspace, residential development, hotel/wedding centre, holiday accommodation unit, public house and restaurant, children's nursery, office, village shop, retention/conversion of existing buildings, an eighteen hole golf course and club house, an equestrian centre/stabling facilities, landscaping and associated access and infrastructural works at Auchincruive Estate, Ayr at the pre-determination hearing held by the Regulatory Panel (Special) (Page 000, paragraph 2), immediately prior to this meeting, the Provost advised that the application would now be determined by this special meeting of the Council.

Councillor Fitzsimmons, seconded by Councillor Convery, moved that the Council should agree that the Executive Director – Development and Environment be given delegated powers to approve the application, subject to referral of the application to Scottish Ministers, the signing of appropriate legal agreements and the conditions as set out in the report.

**Adjournment of Meeting.**

The Council agreed to adjourn the meeting at 12.10 p.m. for fifteen minutes.

**Resumption of Meeting.**

The meeting resumed at 12.30 p.m.

By way of an Amendment, Councillor Davies, seconded by Councillor Moonie, moved that the application should be refused on the following grounds:-

- the proposal would be contrary to Policy STRAT2 of the South Ayrshire Local Plan as it would be a development in the Greenbelt without justification;
- no justification had been made for an exceptional case to take units, not land in terms of the Supplementary Planning Guidance on Affordable Housing and South Ayrshire Local Plan Strategic Policy H13; and
- no exceptional case had been made for the loss of prime agricultural land in terms of South Ayrshire Local Plan Policy ENV13.

There was a request that the vote be taken by calling the roll.

The Head of Legal and Administration took the vote by calling the roll as follows:-

Winifred Sloan (Provost)	Motion
Mary Kilpatrick	Motion
John Allan	Motion
Eddie Bulik	Motion

Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Brian Connolly	Motion
Peter Convery	Motion
Hywel Davies	Amendment
Ian Douglas	Motion
Stan Fisher	Motion
Ian Fitzsimmons	Motion
Ann Galbraith	Motion
Sandra Goldie	Amendment
Bill Grant	Motion
John Hampton	Motion
Hugh Hunter	Motion
Elaine Little	Motion
Mairi Low	Motion
John McDowall	Amendment
Nan McFarlane	Motion
Bill McIntosh	Motion
Helen Moonie	Amendment
Alec Oattes	Motion
Mike Peddie	Motion
Robin Reid	Motion
Philip Saxton	Amendment
Tom Slider	Motion
Margaret Toner	Motion

Seven Members voted for the Amendment and twenty three Members for the Motion. The Motion was accordingly declared to be carried.

**Decided:** having recorded their appreciation of the work undertaken by the staff within the Planning Section, to agree that the Executive Director – Development and Environment be given delegated powers to approve the application, subject to referral of the application to Scottish Ministers, the signing of appropriate legal agreements and the conditions as set out below:-

- (A) the following elements will form part of any legal agreements for this site:-
- (1) evidence of funding the College relocation to Craigie Campus in Ayr;
  - (2) development contribution towards trunk road network upgrades identified in the Ayr Corridor Study or, if necessary, alternative transport mitigation measures;
  - (3) development contribution for local sustainable transport upgrades (including multi-use path upgrade to Mossblown and multi-use path to A77 via the base of the eastern embankment);
  - (4) provision of a bus service into the site (taking into consideration phasing of the development);
  - (5) development contribution for addressing shortfall in education provision;
  - (6) erection of affordable housing on site and transfer to the Council or to a Registered Social Landlord;
  - (7) provision and temporary reservation of a unit in the proposed village square for use as a shop unit; and

- (8) reservation of building(s) for provision of public house, restaurant, office and crèche; and

(B) in addition, the following conditions are recommended:-

### **Duration of permission**

#### Timescale for submission of AMSC

- (1) that formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than eight years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;

#### Matters to be included in AMSC applications

- (2) that Applications for Approval of Matters Specified in Conditions shall include full details of the proposed development, including the siting, design and external appearance of all buildings, means of access, landscaping measures, and any other matters specified in conditions below;

### **Extent of approval**

#### Approved plans

- (3) that the development hereby approved shall be implemented in accordance with the plan(s) stamped approved as follows: - Site Plan, Masterplan (August 2010), Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10, Conservation Plan, Sustainability Statement, Transport Assessment (Rev C, 30/07/2010) and Travel Plan Framework dated 20th July 2010 as forming part of this permission unless a variation shall be required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

#### Scale of development

- (4) approval is given in principle for the Masterplan for Auchincruive, the scale of development approved in this Planning Permission in Principle shall be as follows:-
- (a) residential: the total number of residential units to be developed throughout the entire site shall not exceed 495 residential units and shall be contained within the development footprint as defined in figure 22 of the masterplan;
  - (b) business and research floorspace: up to 5574sqm of business and research floorspace within the 3.5 hectare East Campus area;
  - (c) hotel, conference and wedding centre within Oswald Hall;
  - (d) holiday accommodation unit associated with Oswald Hall Hotel to be formed within Oswald's Temple;

- (e) public house, restaurant, crèche, office and residential use within Gibbs Yard;
- (f) residential units within Wilson Hall;
- (g) holiday accommodation units within the Bothy block adjacent to the walled garden and glasshouses;
- (h) residential use of the West Lodge;
- (i) 18 hole golf course and associated club house;
- (j) retail unit as defined by Class 1 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 but not exceeding 200m<sup>2</sup> gross within the buildings around the village square;
- (k) equestrian centre and stables; and
- (l) allotment gardens within area 10 to the north of the walled gardens as defined in figure 19 of the Masterplan;

#### Scale and design of leisure buildings

- (5) that the buildings to accommodate the proposed equestrian centre and golf club house shall be designed to minimise the landscape and visual impact through careful siting, scale, height, sensitive use of materials and landscaping. For the avoidance of doubt the golf club house building shall not exceed single storey construction. A green roof construction shall be considered for incorporation on the golf clubhouse building;

#### Scale and design of Phase E

- (6) that the buildings in phase E of the Indicative Phasing Plan (Revision C, December 2010) shall primarily be single storey but shall not exceed one and a half storeys in height;

### **Programme of development**

#### Residential phasing

- (7) that the residential development component of the development shall be implemented in accordance with the Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10, which for the avoidance of doubt states that the development commences with Phase A and progresses sequentially through phases B1, B2, C1, C2, C3, D and E;

#### Overall phasing plan

- (8) a detailed phasing plan, based on the Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10, shall be submitted with the first Application for Approval of Matters Specified in Conditions and within each phase, programming will be determined by a detailed Phasing Plan which shall be submitted at the first formal application for each phase, or as otherwise agreed by the Council. The Phasing Plan shall detail the exact sequences of development for each proposed land use, the provision of infrastructure, landscaping, open space, footpaths, cycleways and the scale and distribution of affordable housing within each phase of the development to be agreed with South Ayrshire Council as Planning Authority;

### Phase E and East Campus

- (9) that Phase E shall be cleared and work shall commence on the East Campus in accordance with the approved Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10 and approved plans unless otherwise approved by the Council as Planning Authority;

### Village Square

- (10) that the proposed village square shall be completed in accordance with an approved planning permission before work commences on phases D or E;

### Policy Parkland

- (11) that the proposed policy parkland to the south west of Oswald's Hall as delineated in figure 33 of the Masterplan shall be implemented in accordance with an approved landscape scheme before work commences on phase C, D or E;

## **Design**

### Design Review

- (12) that prior to the submission of the first Application for Matters Specified in Conditions, the developer shall enter into a Design review process with the Planning Authority and Architecture and Design Scotland. The outcome from this process shall inform the Development Brief / Design Code required by this Planning Permission in Principle;

### Development Brief / Design Code

- (13) that prior to the submission of the first Application for Matters Specified in Conditions, a Development Brief / Design Code for the entire development site (including residential, business, research, commercial, leisure and recreational uses) shall have been submitted to, and approved by the Planning Authority. The required Development Brief / Design Code shall set out clearly the design standards and criteria to which all subsequent applications shall adhere and shall:-
- (a) include a clear **vision** for the feel and character of the development which fully achieves the six qualities of successful places as defined in 'Designing Places' taking into account the approved masterplan and the requirements outlined below;
  - (b) be well illustrated and seek to convey most of the required information graphically in the form of plans, drawings, sketches, perspectives (including three dimensional drawings) and photomontages in preference to text;
  - (c) demonstrate how the development complies with relevant national **policy and guidance**, the development plan and supplementary planning guidelines with a particular emphasis on 'Designing Streets', 'Designing Places', PAN67 'Housing Quality' and PAN78 'Inclusive Design';
  - (d) demonstrate how the proposed development shall achieve the applicant's stated intention to create an **exemplar development** in terms of design quality and sustainability;

- (e) the **Urban design code** shall demonstrate root morphology including patterns of ownership, connectivity, urban space and massing rather than focussing solely on superficial aesthetic considerations;
- (f) include a thorough **appraisal of the site**, the character of the historic designed landscape and the site context and demonstrate how the proposed development responds to the identified characteristics. To ensure that the scale and massing of the higher elements of the village do not adversely affect the setting of Oswald's Temple, an assessment of the setting should encompass views both to and from it and include appropriate visualisations such as photomontage views of the development in relation to this asset, illustrating views both towards and from the proposed development;
- (g) include a thorough **appraisal of similar sized villages** in South Ayrshire in terms of the following characteristics: built form, scale and mix, details and materials, density, movement and landscape and demonstrate how the proposed development reflects the best local examples of successful places;
- (h) include a **mixed use strategy** which demonstrates how the development will incorporate a proven mix of residential, commercial, and leisure community uses within the village;
- (i) include a **built form strategy** for the proposed development including legibility, key buildings and frontages, views and vistas, layout, density, public and private space, scale and mix (including building and storey heights), all architectural details and palette of materials (including fenestration style and proportions), boundary treatments, parking, development fringe, above ground infrastructure and utility structures, allotment structures and maintenance arrangements. This strategy shall set out the arrangements for home zones, the provision of affordable housing and set out a range of 'Auchincruive' building styles which responds to the character of the listed and vernacular buildings on the site in a distinctive and contemporary manner fit for the 21<sup>st</sup> century. For the avoidance of doubt key buildings within the development shall be externally finished with natural slate or a natural slate substitute, natural stone and / or wet render;
- (j) include a **movement strategy** with an emphasis on walking, cycling, public transport and inclusive design which seeks to maximise the permeability of the area by maintaining and enhancing and extending the existing walking and cycling network both within the site and extending out to surrounding towns and villages. This shall include bus routes (preferably with separate access and egress arrangements), bus stops, arrangements for covered cycle rack provision and signage within the site and shall set out clearly how movement within and through the site will be maintained during the construction phase. The movement strategy shall facilitate the forward movement of service vehicles, including service vehicles, through the site and minimise the use of turning areas;
- (k) include a soft and hard **landscaping strategy** identifying structural planting (including areas for advance planting), tree, hedge, shrub and grass planting, tree protection measures (during construction), hard landscaping, passive and active areas of open space and play facilities;

- (l) include an analysis of buildings, movement and spaces in the form of the **Bavarian B-plan** tool (i.e. a layered plan outlining 'movement' in yellow, 'buildings' in red and 'open space' in green) and demonstrate how these elements are integrated to make a successful place;
- (m) include a **Public realm strategy** which sets out the design approach to all public space within the development, including (but not exclusively) the Main Street (i.e. the C37), the proposed village square and the proposed village green. This shall explain the methodology for delivering these places within the overall development strategy. For the avoidance of doubt the Main Street (C37) shall be designed with the objective of ensuring that it becomes a 'place' as expressed in 'Designing Streets'. This should give particular consideration to pedestrian movement and crossing, cycling, public transport and bus stops, vehicular accesses, visibility, on and off-street parking, building form and landscaping;
- (n) include a detailed **sustainable development strategy** which takes forward the submitted sustainability statement and sets out the precise details of how the sustainability objectives will be achieved under the headings identified by BREEAM. This strategy shall demonstrate how the development will achieve a reduction in CO<sup>2</sup> emissions in accordance with Scottish Planning Policy and establish the framework for compliance with the BREEAM excellent rating for the East Campus, the Ecohome Good rating for the proposed houses and the independent assessment method;
- (o) include a **waste and recycling strategy** which addresses the arrangements for waste and recycling (including home composting) and identifies the broad location of a community recycling centre and refers to movement strategy regarding service vehicles;
- (p) include a **lighting strategy** taking account of energy efficiency, nature conservation issues and minimising light pollution;
- (q) include an **earthwork strategy** demonstrating how the development will address site topography and levels to ensure minimal earthworks and visual impact;
- (r) include a **public art strategy** which sets out how public art will be commissioned and incorporated within the development including the proposed hilltop feature to the north of Newbarns Wood and the sculpture on the new roundabout;
- (s) include a detailed **phasing brief** which reflects the phasing requirements of this decision notice;
- (t) include a **planning, procurement and contingency strategy** which sets out the precise arrangements to ensure delivery of the development in accordance with the planning permission in principle and the Development Brief / Design Code. This shall address how future developers of individual phases will engage with the Development Brief / Design Code and with the relevant Regulatory Authorities, including the Roads Construction Consent process and the pre-application stage; and
- (u) include details of the long term **management and maintenance** arrangements for the new development and the existing Auchincruive estate (including each listed building) in perpetuity;

Accord with Development Brief / Design Code

- (14) all formal applications shall be in accordance with the approved Development Brief / Design Code required by this Planning Permission in Principle unless otherwise agreed by the Planning Authority, and shall set out the means of access, Sustainable Urban Drainage Systems (SUDS), associated greenspace and any cut/fill within the site and other principles outlined in the Development Brief / Design Code. Unless otherwise approved by the Planning Authority, all development shall generally follow the topography of the site and shall work within existing ground levels not exceeding +/- 1.5 metres to the satisfaction of the Planning Authority;

**Roads, Transportation and Access**

Construction traffic

- (15) that the first formal application for each phase of the development, shall include a detailed construction traffic management plan and this shall be approved by the Planning Authority prior to the commencement of development of each phase;

Travel Plan Framework

- (16) that a Travel Plan Framework aimed at promoting sustainable travel modes and reducing the reliance on the private car shall be prepared in consultation with the Council as Roads and Planning Authority and approved prior to submission of the first Application for Approval of Matters Specified in Conditions;

Travel Plan

- (17) that within six months of occupation of any commercial, retail or leisure facility a Travel Plan, in accordance with the approved travel plan framework, shall have been submitted to, and approved by, the Planning Authority (in consultation with the Council 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;

Parking for public walks

- (18) that details of parking provision (location, details and specifications) for public access to the walks at Auchincruive shall be submitted with the first Application for Matters Specified in Conditions. The approved parking area shall be provided prior to the occupation of any general market housing units and thereafter be permanently retained for public use;

Roundabout

- (19) that the first Application for Approval of Matters Specified in Conditions shall include full details and specifications of the required new roundabout at the junction between the B743 and the C37. The roundabout (together with associated footways, cycle paths and crossing points) shall be constructed in accordance with the approved plans prior to the occupation of any proposed new residential unit. For the avoidance of doubt the new roundabout and junction shall incorporate; a footway and cycle path, road crossing facilities for walkers and cyclists and a footway between the junction and the bus stop opposite the B7035. The applicant shall consult the Planning Authority with regard to the requirement for listed building consent for any proposed alterations;

Bus stops on B743

- (20) that the first Application for Approval of Matters Specified in Conditions shall include full details and specifications of upgrades to the three bus stops on the B743 (including provision for Real Time Passenger Information, cycle racks and bus boarding facilities) and the provision of a new bus stop as follows:-
- (a) the upgrade of the existing bus stop westbound on the B743 opposite the B7035;
  - (b) the upgrade of the existing bus stop eastbound on the B743 east of the junction with the B7035;
  - (c) the relocation and upgrade of the existing bus stop westbound on the B743 at Nellie's gate as detailed in drawing number 120. This work shall include a footpath along the B743 to Nellie's Gate junction and a connecting footpath into the application site as indicated in the masterplan;
  - (d) the provision of an eastbound bus stop on the B743 close to Nellie's Gate;  
and

the required bus stop provision and upgrading work shall be implemented in accordance with the approved plans prior to the occupation of any proposed new residential unit unless alternative measures are approved in writing by the Planning Authority;

Nellie's Gate Junction

- (21) that the first Application for Approval of Matters Specified in Conditions for the East Campus development shall include full details and specifications of upgrading works to the Nellie's Gate junction with the B743. The junction upgrade shall be implemented in accordance with the approved plans prior to the occupation of any part of the East Campus development. For the avoidance of doubt the applicant shall consult the Planning Authority with regard to the requirement for listed building consent for any proposed alterations;

General path upgrades

- (22) that path upgrades as per figures 27, 28, 29 and 30 in the Transport Assessment shall be implemented in accordance with a timescale and specification to be submitted for the prior written approval of the Council before the occupation of any proposed dwellinghouse. For the avoidance of doubt this shall include the new tarmac multi-use path, through the Arboretum, between the new east campus access road and the north eastern corner of the site together with the pedestrian and cyclist access point in the existing estate boundary;

Path to Hilltop structure

- (23) that a hard surfaced path shall be provided from the proposed hilltop focal point northwards to the multi-use path between the C37 and Newbarns Wood in accordance with a timescale for implementation and specification to be submitted for the prior written approval of the Planning Authority before the occupation of any proposed dwellinghouse unless other approved in writing by the Planning Authority;

### Oswald's Bridge

- (24) that a traffic management scheme at Oswald's Bridge (including priority system / signalisation) shall be provided in accordance with a timescale for implementation and specification to be submitted for the prior written approval of the Planning Authority before the occupation of any proposed dwellinghouse unless other approved in writing by the Planning Authority;

### Cycle racks

- (25) that the first formal application for each phase of the development, shall include details of the number, location and specifications of covered and uncovered cycle racks to be provided throughout the area of that phase and include a timescale for implementation. The cycle rack provision shall be in accordance with the guidelines in the Travel Plan and the approved Development Brief / Design Code;

### Traffic Profiler

- (26) that the applicant shall provide a profiler, traffic loops, counter cabinet, post, batteries, connectors and solar panel at the B743 west of the site. Precise details of the timing of installation, siting and specifications of the count site shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site;

### Wheel washing

- (27) that no work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details submitted to and approved by the Planning Authority. When required such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality;

### Junction sightline splays

- (28) that details of junction access visibility sightline splays be submitted with each phase application for Approval of Matters Specified in Conditions. Approved sightlines shall be maintained in both directions and there shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;

### Discharge of water

- (29) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted with each application for Approval of Matters Specified in Conditions;

Movement strategy (turning)

- (30) that the movement strategy and road layout shall primarily accommodate the movement of vehicles (including service vehicles) through all parts of the development in a forward gear and seek to minimise the use of cul-de-sacs and turning areas. Applications for Approval of Matters Specified in Conditions shall include details of service vehicle movement routes and where necessary the design and specification of turning areas capable of allowing service vehicles to turn within site boundaries. Turning areas shall be in accordance with the Council's Roads Development Guide and shall be constructed as approved prior to the development being occupied;

Gates inwards

- (31) that prior to completion of the development any gates shall open inwards away from the public roadway;

Residential travel pack

- (32) that a residential travel pack, the details of which shall be submitted for the prior written approval of the Planning Authority, shall be placed in each new residential unit prior to occupation;

Public transport strategy

- (33) prior to the occupation of the first property the applicant shall have agreed with the Planning Authority, in consultation with SPT, a public transport strategy for access to/from and within the site with agreed timetables for its implementation;

Bus service infrastructure

- (34) the applicant shall provide bus service infrastructure within the site boundaries to the satisfaction of the Council as Roads Authority;

Signage

- (35) that at the first formal application for each phase of the development, details of the location, siting and design of the proposed signage on site (including street names and directional signage) shall be included. Thereafter, the signage shall be implemented in accordance with the approved details. For the avoidance of doubt the signage shall accord with the signage strategy set out in the approved Development Brief / Design Code;

Public Access

- (36) as part of the first formal application for each phase of development, a detailed plan of public access across the site (existing, during construction and upon completion) will be provided for the approval of the Council as Planning Authority. This shall show:-
- (a) all existing paths, tracks and rights of way, and any areas currently outwith or excluded from the statutory access rights under Part One of the Land Reform (Scotland) Act 2003;
  - (b) any areas proposed for exclusion from the statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;

- (c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc.; and
- (d) any diversions of paths, temporary or permanent, proposed for the purposes of the development;

### **Built and cultural heritage**

#### Restoration of Oswald's Temple

- (37) that valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of Oswald's Temple shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase B, C, D or E in the approved Indicative Phasing Plan (Revision C, December 2010) and no more than 150 of the new general market houses hereby approved shall be occupied and phase C shall not commence prior to the full restoration of Oswald's Temple in accordance with the approved schedule of works. For the avoidance of doubt the applicant shall be advised to engage in pre-application consultation with the Planning Authority and Historic Scotland regarding the intended restoration works and note that no new structures shall be permissible on the grassed area surrounding the Oswald's Temple building;

#### Restoration of walled garden and glasshouse

- (38) that valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of the Walled Garden and Glasshouse shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase D or E in the approved Indicative Phasing Plan (Revision C, December 2010) and no more than 250 of the new general market houses hereby approved shall be occupied before the approved restoration works to the Walled Garden and Glasshouse are completed;

#### Restoration of Bothy Block

- (39) that valid applications for all necessary statutory consents (including a comprehensive schedule of works) for the restoration of the Bothy Block shall be submitted to the Planning Authority prior to any application for Approval of Matters Specified in Conditions being submitted for Phase D or E in the approved Indicative Phasing Plan (Revision C, December 2010) and no more than 250 of the new general market houses hereby approved shall be occupied before the approved restoration works to the Bothy Block are completed;

#### Removal of modern shed

- (40) that valid applications (including detailed plans) for all necessary statutory consents for the removal of the modern shed from the walled garden and glasshouse area and the landscape restoration arrangements for the site shall be submitted to the Planning Authority prior to any application being submitted for phase D or E in the Indicative Phasing Plan (Revision C, December 2010). No more than 250 of the new general market houses hereby approved shall be occupied before the modern shed is removed and the landscape restored in accordance with submitted and approved details;

Stabilisation and preservation of Ice House

- (41) that a building condition survey of the Ice House and a schedule of works for the stabilisation and preservation of the Ice House (and valid applications for all necessary statutory consents where necessary) shall be submitted to the Planning Authority prior to any Application for Approval of Matters Specified in Conditions being submitted for Phases B, C, D or E in the approved Indicative Phasing Plan (Revision C, December 2010) and no more than 200 of the general market houses hereby approved shall be occupied before the approved stabilisation / preservation works to the Ice House are completed;

Accord with Conservation Plan

- (42) that the listed buildings on the site shall be used and maintained in accordance with the indicative proposals and timescales in the approved Indicative Phasing Plan (Revision C, December 2010) and Project Programme Spreadsheet Rev B 10-12-10 and the Conservation Plan unless otherwise approved in writing by the Planning Authority. For the avoidance of doubt the applicant shall consult the Council with regard to the requirement for planning permission and / or listed building consent for any proposed change of use or alterations;

Update Conservation Plan

- (43) that the conservation plan hereby approved for the land at Auchincruive shall be updated specifically to reflect timescales and refinements that have arisen through consideration of this application for planning permission in principle. The updated Conservation Plan shall be submitted with the first application for Approval of Matters Specified in Conditions. Thereafter, all future applications for Approval of Matters Specified in Conditions or planning applications shall include an updated version of the conservation plan for the land at Auchincruive;

Conservation plan for 'A' listed buildings

- (44) that site specific, comprehensive and detailed Conservation Plans prepared in accordance with Historic Scotland's publication "A Guide to the Preparation of Conservation Plans" shall be submitted with future applications for Oswald's Hall and Oswald's Temple;

Archaeological mitigation strategy

- (45) the developer shall submit for the approval of the Planning Authority an archaeological mitigation strategy along with the first application for Approval of Matters Specified in Conditions. Thereafter the developer shall ensure that the approved strategy is fully implemented, that all significant archaeological remains are preserved in situ as may be required by the Planning Authority, or that any necessary recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with the West of Scotland Archaeology Service;

## **Landscape and Nature Conservation**

### Compliance with open space policy

- (46) that the housing development shall comply with the Council's Supplementary Planning Guidance (SPG) 'Open Space and Designing New Residential Developments'. At the Approval of Matters Specified in Conditions stage detailed supporting information illustrating compliance with this SPG shall be submitted for the approval of the Planning Authority;

### Planning Permission in Principle (ground and floor levels)

- (47) that at the Approval of Matters Specified in Conditions stage the detailed plans shall include suitably scaled block layout plans showing:-
- (a) existing ground levels;
  - (b) proposed ground levels, and
  - (c) finished floor levels of each proposed dwellinghouse and building;

### Landscape scheme

- (48) that at the first formal application for each phase of the development (including the East Campus), a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. In addition, the scheme of landscaping shall be suitably secured by the provision of a financial bond, or other means as agreed with the Planning Authority, covering the cost of the works to be lodged prior to the granting of formal permission. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the last unit for each land parcel in the relevant phase development. The open space/landscaped area shall be retained as open space and to this approved standard;

### Golf Course Landscape scheme

- (49) that the formal application for the golf course shall include a detailed scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding and timing of works. The scheme as approved shall be implemented in full prior to operation of the golf course. For the avoidance of doubt the landscape scheme shall retain as far as possible the existing natural landform and indigenous planting;

### Golf course management

- (50) that the proposed golf course shall be developed and managed following the Royal & Ancient Course Management Best Practice Guidelines pertaining to Sustainability and the Environment. The required landscape scheme shall demonstrate how this is to be achieved;

### Advance structural planting

- (51) that the landscape scheme required by this planning permission in principle shall, at the first Application for Approval of Matters Specified in Conditions, include details and timing of the advance structural planting specified in the approved Development Brief / Design Code;

### Hanging Gardens Landscape Scheme

- (52) that a landscaping and planting scheme for the Hanging Gardens shall be included with the first application for Approval of Matters Specified in Conditions. Plans shall be at a recognised metric scale and be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m<sup>2</sup>. The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. No more than 100 of the general market houses hereby approved shall be occupied before the approved landscaping and planting scheme is implemented;

### Tree Survey

- (53) that before any works start on any phase within the site, the developer shall institute an accurate survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees that may be affected by development both within the site as well as trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of those trees affected. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority;

### Tree Protection

- (54) that before any works start on site, the developer shall submit a tree protection plan in accordance with BS 5837 (Trees in relation to Construction Sites) for areas near development zones, temporary site offices or any new roads or paths, giving details and specifications of the protective measures necessary to safeguard trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;

### Auchincruive Estate Management and Maintenance arrangements

- (55) that at the first Application for Approval of Matters Specified in Conditions details of the landscape management and maintenance arrangements for the Auchincruive Estate (including a tree maintenance schedule and a tree management plan for the entire estate for the short, medium and long term), shall be submitted for the approval of the Planning Authority and thereafter be put in place. Thereafter the approved management and maintenance arrangements shall be adhered to at all times. For the avoidance of doubt these management and maintenance arrangements shall include the arboretum, ornamental gardens, tennis courts and playing fields;

### Residential Landscape Maintenance arrangements

- (56) that at the first formal application for each phase of the development, a factoring arrangement and a maintenance schedule (where different from the wider Auchincruive Estate Management arrangements) shall be submitted for the approval of the Planning Authority and be put in place for all landscape works including grassed and planted areas and play facilities. Thereafter the approved management and maintenance schedule shall be adhered to at all times for the duration of the development by the nominated factor for the site, and no changes shall be undertaken without the prior written approval of the Planning Authority;

### Tennis Court Refurbishment

- (57) that the tennis courts opposite Gibbs Yard shall be refurbished in accordance with a schedule of works approved in writing by the Planning Authority, prior to the occupation of the first house in phase B. For the avoidance of doubt the required estate management plan shall specify the precise ongoing management and maintenance arrangements for the refurbished tennis courts;

### EA Mitigation measures

- (58) that the full range of mitigation measures identified in the applicant's Environmental Statement (including section 7.12 and with regard to agriculture) shall be adopted in full;

### On site ecologist

- (59) that an on-site ecologist shall be appointed to oversee all phases of the development, to provide on-site training, to ensure the ecological needs of the site are respected, to implement actions as outlined in the badger mitigation plan and to ensure works are carried out in line with legislative requirements. Details of the proposed on-site ecologist arrangements shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

### Bat emergence survey

- (60) that, in consultation with the Council and SNH, a detailed up to date bat emergence survey shall be undertaken to approved methodologies by a suitably qualified ecologist to inform the status of bats at the site and this shall be included in the first application for Approval of Matters Specified in Conditions. It shall be ensured that the emergence survey builds on the assessments stated within the current report of all potential roost sites. This includes potentially new maternity roosts within the site prior to the determination of full planning permission;

Bat transect survey

- (61) that, in consultation with the Council and SNH, complimentary transect surveys (incorporating transect 2 and 3 – see drawing 11963/Fig 7.9) are undertaken to update the status of bats at the site and these shall be included in the first application for Approval of Matters Specified in Conditions;

Bat method statement

- (62) that, in consultation with the Council and SNH, a prospective bat method statement shall be produced by the applicant and be included in the first application for Approval of Matters Specified in Conditions. This is required to ensure the following:-
- (a) that bats are a material consideration in the construction phase of development and that a standard methodology, supported by an on-site ecologist, is produced which ensures that all buildings are checked prior to demolition or renovation to ensure that no bat roosts are inadvertently destroyed or disturbed during construction; and
  - (b) the inclusion of strategies which shall detail mitigation and compensation measures (based on available survey information) to incorporate bat friendly measures at the site and help ensure long-term viability of bats at Auchincruive. SNH would recommend that methods outlined in Williams (2010) (i.e. Williams, Carol (2010) Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build, Bat Conservation Trust (RIBA Publishing; ISBN – 978 1 85946 353 6) would be appropriate and may be utilised within on-site building design, however, SNH would also welcome other creative means in which this can be taken forward;

Badger mitigation and management

- (63) that, in consultation with the Council and SNH, the additional provisions detailed within the Badger Mitigation Plan (dated April 2010) and the Badger Management Plan be implemented in full by a suitably qualified on-site ecologist before and throughout the duration of the development. For the avoidance of doubt, an amended access strategy that fully accords with the Badger Mitigation and Management Plans shall be submitted with the first Application for Approval of Matters Specified in Conditions;

Bird breeding season

- (64) that demolition or vegetation clearance works, shall not take place during the bird breeding season (March to July inclusive). If work is essential during the breeding period an ornithological survey shall be carried out, by a suitably qualified ecologist, immediately prior to the works and measures taken to avoid any impacts on breeding birds, their nests, eggs or young, and be submitted for the prior written approval of the planning authority before any such demolition or clearance works take place;

Existing houses – garden ground

- (65) that the first Application for Approval of Matters Specified in Conditions submitted following this planning permission in principle shall incorporate details and specifications of the garden ground, access, parking and boundary treatments to be associated with each existing residential unit to be retained on site;

Bat and Swift bricks

- (66) that bricks designed to facilitate nesting and roosting of swifts and bats shall be incorporated into a number of the proposed houses. Precise details of the number of these bricks and their inclusion in the proposed dwellinghouses shall be submitted with first formal application for each phase of the development for the prior written approval of the Planning Authority;

**Water and drainage**Sustainable Urban Drainage Systems

- (67) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems SUDS Manual (C697) published by CIRIA in March 2007. At the Approval of Matters Specified in Conditions stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures shall be maintained in perpetuity, shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;

SUDS implementation

- (68) that none of the development shall be occupied until the Sustainable Urban Drainage System (SUDS) to which that part of the development relates has been completed in accordance with the submitted and approved plans;

Foul drainage

- (69) that the foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water;

**Environment and sustainability**Environmental performance

- (70) that all new buildings with the proposed East Campus proportion of the development shall be designed to achieve the BREEAM "excellent" rating and all new residential properties shall be designed to achieve a "Good" rating under the BRE Ecohomes assessment scheme unless otherwise approved in writing by the Planning Authority. All Applications for Approval of Matters Specified in Conditions shall demonstrate how the development relates to this target;

Soil Management Strategy

- (71) that at the first formal Application for Approval of Matters Specified in Conditions for each phase of the development, a soil management strategy shall be submitted for the prior written approval of the Planning Authority;

Potential contamination

- (72) that the presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;

Noise assessment and mitigation

- (73) that the internal noise level (L<sub>aeq</sub> TdB) within the proposed properties shall not exceed 45dB(A) daytime 07.00 hours to 23.00 hours and 35dB(A) night time 23.00 hours to 07.00 hours. In order to achieve this, the measured background L<sub>aeq</sub> daytime shall not exceed 57dB(A) and 48dB(A) night time on any part of the site marked for dwellings. (Internal measurements assessed with windows sufficiently open to provide ventilation). Results of a day time / night time assessment together with any noise mitigation measures shall be submitted with all residential Applications for Approval of Matters Specified in Conditions. For the avoidance of doubt all noise measurements shall be carried out by a suitably qualified acoustic consultant or other competent person. All approved mitigation measures shall be implemented and thereafter, be permanently maintained in accordance with the approved specifications;

Waste management

- (74) that in all domestic premises with gardens, dedicated space for three 240 litre wheeled bins for refuse shall be provided. In all domestic premises without gardens, space to accommodate two 240 litre wheeled bins shall be provided. Precise details of the arrangements for accommodating the required bins in a screened and discreet manner shall be submitted with first formal application for each phase of the development;

Recycling Centre

- (75) that an area of land with a suitable hardstanding base with access for LGV service refuse vehicles shall be made available to the Council for a community recycling centre together with recycling banks for glass, paper, food and drinks cans, plastics and cardboard. This recycling centre shall be located within the area to be identified in the approved Development Brief / Design Code;

Bird hazard assessment

- (76) that at the first formal application for Approval of Matters Specified in Conditions for each phase of the development a bird hazard control plan and risk assessment shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and

Infrastructure and Utilities

- (77) that precise details and specifications of all above ground infrastructure and utility structures (e.g. power, water and telecommunications) shall be submitted for the prior written approval of the Planning Authority before erection or installation of any structures on site.

**Reasons:**

- (1) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning etc. (Scotland) Act 2006;
- (2) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006 in order to retain proper control over the development proposal;
- (3) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;

- (4) to clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006;
- (5) in the interests of visual amenity and sustainable development;
- (6) to preserve the setting of the category 'A' listed Oswald's Temple;
- (7) to clarify the terms of the permission;
- (8) to (11) in the interests of the proper planning of the area and the timeous provision of different inter-related parts of the development;
- (12) in order to ensure a responsive and robust development and design framework is created for the site;
- (13) to establish a clear vision for an exemplar sustainable development in this sensitive historic and natural landscape and to ensure that vision is translated into a succinct and well illustrated Development Brief / Design Code that provides clear design parameters for all future site developers;
- (14) to clarify the terms of the permission;
- (15) in the interests of road safety;
- (16) and (17) to encourage sustainable means of travel;
- (18) to ensure that adequate and safe parking arrangements are available;
- (19) in the interest of road safety and to ensure an acceptable standard of construction and to encourage sustainable means of transport;
- (20) in the interest of road safety and to ensure adequate provision for public transport and to ensure that the results of detailed site investigation can be taken into consideration in the interest of road safety and the proper planning of the area;
- (21) in the interest of road safety and to ensure an acceptable standard of construction;
- (22) to encourage sustainable means of travel;
- (23) to maximise the public use of, and access to, the focal point to strengthen its urban design value and in the interests of nature conservation;
- (24) in the interests of pedestrian and cyclist safety and to encourage sustainable means of travel;
- (25) to encourage sustainable means of travel;
- (26) in the interest of monitoring traffic flow generated by the development as stipulated in the Transport Assessment;
- (27) in the interest of road safety;
- (28) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (29) in the interest of road safety and avoid the discharge of water on to the public road;
- (30) to enable service vehicles to enter and leave the site in a forward gear in the interests of road safety;
- (31) in the interest of road safety;
- (32) to (34) to encourage sustainable means of travel;
- (35) in the interests of visual amenity;
- (36) in the interests of securing public access through the site;
- (37) to (39) in order to ensure that the restoration of listed buildings proceeds on a properly regulated basis within a reasonable timescale relative to the level of enabling development;
- (40) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality for this Historic Garden and Designed Landscape and to ensure necessary landscaping works are completed at an appropriate stage in the development of the site;
- (41) in order to ensure that the stabilisation and preservation of listed buildings proceeds on a properly regulated basis within a reasonable timescale relative to the level of enabling development;
- (42) and (43) to safeguard the character and appearance of the historic designed landscape and listed buildings;
- (44) to safeguard the character and appearance of these category 'A' listed buildings;

- (45) to ensure that there is an acceptable archaeological mitigation strategy in place for preserving archaeological remains in situ or that there is suitable recording and recovery;
- (46) to comply with Local Plan policies and Supplementary Planning Guidelines and in the interests of the proper planning of the area;
- (47) in the interests of residential and visual amenity and to ensure that there is no significant detrimental landscape impact;
- (48) to (51) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (52) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality for this Historic Garden and Designed Landscape and to ensure necessary landscaping works are completed at an appropriate stage in the development of the site;
- (53) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (54) in order to ensure that no damage is caused to the existing trees during development operations;
- (55) in the interests of the proper planning of the area and to ensure that this enabling development establishes robust landscape management and maintenance arrangements for the whole Auchincruive Estate and recreational facilities in perpetuity;
- (56) in the interests of visual amenity and to ensure that adequate measures are put in place to protect and maintain the landscape and planting in the long term;
- (57) in the interest of sustainable development and to ensure that adequate measures are put in place to maintain this facility in the long term
- (58) in order to reasonably mitigate environmental impacts of the development and in the interests of nature conservation;
- (59) in the interests of nature conservation and to ensure works are carried out in line with legislative requirements;
- (60) in the interests of nature conservation and to identify the likely licensing requirements, if any, for the development;
- (61) to (62) in the interests of nature conservation;
- (63) in the interests of nature conservation and to avoid significant and irreversible impacts on the local badger population;
- (64) in the interests of nature conservation and to avoid any impacts on breeding birds, their nests, eggs or young;
- (65) in order to retain proper control over the development proposal in the interests of amenity and road safety;
- (66) in the interests of sustainable development and nature conservation;
- (67) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (68) to ensure the site is drained in an acceptable and sustainable manner;
- (69) in the interests of pollution control;
- (70) in the interests of sustainable development and to establish a clear measure for assessing the sustainable design qualities and environmental performance of the proposed development;
- (71) to minimise detrimental impacts on the soil resource;
- (72) to ensure all contamination within the site is dealt with;
- (73) to avoid noise disturbance in the interests of residential amenity;
- (74) in the interests of residential and visual amenity;
- (75) in the interest of sustainability and to encourage waste recycling and retain proper control over the development proposal in the interests of residential and visual amenity;
- (76) in the interests of airport safety; and
- (77) in the interests of the proper planning of the area and to ensure that this infrastructure is carefully sited and designed to minimise visual and landscape impact.

**Advisory Notes:****Requirement for listed building consent**

1. The grant of planning permission in principle does not remove the requirement for Listed Building Consent for any alterations, either internal or external. It is recommended that the applicant / prospective developer(s) make early contact with Historic Scotland with regard to the potential impact of the development on the setting of the designed landscape and the setting of listed buildings;

**Requirement for consent of owners**

2. The applicant is advised that the granting of planning permission does not remove him/her from the requirement to obtain the consent of adjacent landowners in respect of any access required to build, or maintain, this approved development. Such consent shall be obtained prior to the commencement of works on site;

**Roads and Transportation**

3. The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer;
4. The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant, including any relevant road signs and markings;
5. The Council as Roads Authority advises that all works on the carriageway shall be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984;
6. The Council as Roads Authority advises that a Road Opening Permit shall be required for any work within the public road limits;
7. Please note that Construction Consent from the Roads Authority shall be required for the formation of any new road and that traffic calming measures shall be required. The formation of any new road shall require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication;
8. Please note that Construction Consent from the Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication;
9. The Council as Roads Authority advises that a stage 3 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted to the Roads Authority no later than one month after completion of the development. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority and the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report;

10. Waste Management has advised that Refuse collection vehicles are 4.5m high, 2.54m wide, 12m long and the area required for operatives to stand clear of bin whilst being lifted is 3m length by 3.5m width. The vehicles weigh approximately 26 tonnes. This raises some concerns with the plans in terms of vehicle movement, turning, waste storage in terraced commercial and residential properties and the standard of construction for the road surface due to the weight of the vehicles. It would be expected that consideration to be given to the placement of recycling point(s) in that area. The applicant is advised to liaise with the Council's Waste Management Service in the preparation of the Development Brief / Design Code and Applications for Matters Specified in Conditions;

### SEPA

11. Please note that work shall be undertaken in compliance with legislation and guidance relating to the water environment, chemical and oil storage, pollution prevention (including construction, demolition and agricultural activities), storage and movement of waste materials and controlled waste. Information and guidance, including best practice, can be found at the website of the Scottish Environment Protection Agency (SEPA) as follows [www.sepa.org.uk](http://www.sepa.org.uk). As a sewage pumping station and rising main facility shall be required to service the development, it is likely that the Sewerage Authority, Scottish Water, shall insist on the provision of an emergency overflow arrangement. Note that the emergency discharge of sewage effluent shall only occur in the event of a complete mechanical or electrical breakdown of the pumping station and shall require to be authorised, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). The applicant shall therefore contact the Ayrshire Environmental Protection and Improvement Team (EPIT) directly to fully discuss the potential drainage implications for this proposed development. The contact details for the local EPIT are as follows; 31 Miller Road, Ayr, KA7 2AX TEL: 01292 294000;

### Scottish Water

12. Should you require information regarding the location of Scottish Water infrastructure you should contact Scottish Water Property Searches Department, Bullion House, Dundee, DD2 5BB. Telephone 0845 601 8855. If you require any further assistance or information on the matters dealt with by Scottish Water, they suggest that you contact Stephen Kelly at the above number or alternatively additional information is available on the Scottish Water website: [www.scottishwater.co.uk](http://www.scottishwater.co.uk);

### SNH

13. Please note that should evidence of bat roosts be found, Scottish Natural Heritage (SNH) should be informed and a licence obtained from the licensing authority (Scottish Government). Any work carried out without due consideration of bats is likely to breach European Directives. The local contact in SNH is John Adair 01292 261392;
14. Badgers: where it is proposed to carry out development works which shall disturb a badger or involve the damage or destruction of a sett within an occupied badger territory, regardless of when it may last have been used, a licence must first be obtained from SNH. In general, development works of any kind within 30 metres of a sett shall require licensing prior to works being undertaken;
15. Birds: it is a criminal offence to deliberately or recklessly take, damage, destroy or otherwise interfere with the nest of any wild bird while that nest is in use or being built or obstruct or prevent any wild bird from using its nest. Therefore, the steps specified in the above noted condition must be taken to avoid any disturbance during the bird breeding season from March to July inclusive.

Other nature conservation

16. It is recommended that the detailed application takes in to account the publication entitled, Bats and Lighting in the UK by the Bat Conservation Trust which suggests mitigation methods available in relation to lighting and bats;
17. The developer is referred to the publication "Greenspace Quality – a Guide to Assessment Planning and Strategic Development" when giving consideration to the provision of greenspace within the development; and

Prestwick Airport

18. Note that Prestwick Airport has recommended that the applicant / developer seeks further consultation with the airport in order to ensure consideration of cranes in relation to airport safety at the detailed application stage.

List of Determined Plans:

- Drawing - Reference No (or Description): **Submitted** Site Plan;
- Drawing - Reference No (or Description): **Submitted** Masterplan (August 2010);
- Drawing - Reference No (or Description): **Submitted** Indicative Phasing Plan Rev C December 2010;
- Drawing - Reference No (or Description): **Submitted** Project Programme Spreadsheet; Rev B 10-12-10
- Drawing - Reference No (or Description): **Submitted** Conservation Plan;
- Drawing - Reference No (or Description): **Submitted** Sustainability Statement;
- Drawing - Reference No (or Description): **Submitted** Transport Assessment (Rev C 30/07/2010); and
- Drawing - Reference No (or Description): **Submitted** Travel Plan Framework (July 2010).

Reason for Decision:

The principle of the development hereby approved can be justified in terms of the development plan and subject to appropriate legal agreement and conditions and the submission of application(s) for the Approval of Matters Specified in Conditions there is no significant adverse impact on the amenity of the neighbouring land and buildings.

**4. Setting of Council Rents 2011/12.**

There was submitted a joint report (issued) of 7th January 2011 by the Executive Director – Children and Community and the Executive Director – Corporate Services

(1) advising

- (a) that the Council at its meeting on 26th January 2010 (Page 63, paragraph 3) had approved the commissioning of a review of the HRA Business Plan and the Leadership Panel at its meeting on 11th May 2010 (Page 259, paragraph 2) had approved the appointment of Arneil Johnston as the Consultants to undertake this review; and
- (b) that the current policy stated that the annual rent increase would be based on the Retail Price Index at September of the preceding year) plus 1% and that this policy would be under review as part of the overall review of the HRA Business Plan;

- (2) reporting
- (a) that the Housing Revenue Account monitoring report for the period to 31st October 2010 (Period 7) projected a surplus for the year to 31st March 2011 of £0.746m;
  - (b) that the audited HRA accumulated surplus brought forward from 2009/10 was £18.970m and outlining the current commitments against the accumulated HRA reserves and providing a projected surplus as at 31st March 2011;
  - (c) that the Housing Revenue Account Business Plan had been updated to include revised estimates for 2011/12 payroll costs, debt charges, housing stock numbers and anticipated sales, maintenance costs and the level of revenue contribution required to fund the Capital Programme and that the 2011/12 budget, therefore, had included provision for pay award of 0%, interest on outstanding debt at 5.5% and a contribution to the Housing Capital Programme of £4.565m with the 2011/12 budget being shown in Appendix 1 of the report; and
  - (d) that the anticipated HRA Capital Programme for 2011/12 was £15.477m which included major component replacements, new builds and Ayr North maisonettes to be funded from 2011/12 in year Capital Financed from Current Revenue of £4.565m, right to buy sales income of £0.633m, other capital income of £0.010m and a previously agreed draw on the accumulated surplus for the Ayr North Maisonettes of £1.429m with the balance of £8.840m being funded by a further draw on the surplus of £5.262m and new borrowing of £3.578m;
- (3) indicating that given the proposed use of the surplus and the investment opportunities in the current economic climate it would be prudent to leave the surplus within the Loans Fund which would be reviewed as and when investment opportunities became more attractive; and
- (4) proposing
- (a) that following extensive consultation with tenants, an interim position be adopted for 2011/12 whilst the review of the HRA Business Plan was concluded and that as a result, the proposed rent increase for 2011/12 would be 4.8% with the 2011/12 charges as shown in the Appendix 2 of the report, which was the average increase over the past four years excluding the rent freeze in 2010/11;
  - (b) that an appropriate level be set for Council house rents, lock-up rents, garage site rents, garden maintenance charges, communal heating and amenity charges in the relevant sheltered housing units for 2011/2012; and
  - (c) to address issues raised within the HRA Business Plan review process around financial legacies and a need for validation of the anticipated costs of components within the housing stock.

Questions were raised by Members of the Council enquiring about the percentage of tenants who were in receipt of Council Tax and whether work to be done within common close areas would be completed by 2015 if owner / occupier refused to contribute towards the costs and the Head of Community Care and Housing responded accordingly.

**Decided:** having recorded their appreciation of the work undertaken by the Head of Community Care and Housing and his staff,

- (i) to apply a house rent increase of 4.8% which was the average increase over the past four years excluding the rent freeze in 2010/11;
- (ii) to increase the charges for lock-ups from £279.36 per annum (£5.82 per week, based on a 48 week year) to £292.80 per annum (£6.10 per week excluding VAT), which represented a 4.8% increase on 2010/11 rent levels;
- (iii) to increase garage site rents from £46.07 to £48.28 per annum (garage site rents being charged where tenants had erected their own garage on a Council owned site), excluding VAT, which represented a 4.8% increase on 2010/11 rent levels;
- (iv) to increase garden maintenance charges from £140.73 per annum to £147.49 per annum, excluding VAT which represented an increase of 4.8% on 2010/11 levels being the standard charge for the service and in cases where the owners garden area exceeded the standard size allowed for within the cost, consultation would take place with the service provider on the actual cost of undertaking the work, and an individual cost would be notified to the owner;
- (v) to increase communal heating and amenity charges in the relevant sheltered housing units by 4.8%;
- (vi) to agree to financial legacies in the Housing Revenue Account being presented to a future meeting of the Council for consideration, as outlined in Appendix 3 in the report;
- (vii) to agree to charges being applied to properties once they met the “modern facilities” element of the Scottish Housing Quality standard as outlined in Appendix 3 of the report;
- (viii) to agree to the commencement of a consultation exercise with tenants of high management cost stock to propose an additional rental charge to meet associated costs as outlined in Appendix 3 of the report; and
- (ix) to approve an external validation of the thirty year capital investment costs for a sample of the housing stock as outlined in Appendix 3 of the report.

## **5. Housing Capital Investment Programme for 20011/12.**

There was submitted a joint report (issued) of 6th January 2011 by the Executive Director - Development and Environment, Executive Director - Corporate Services and Executive Director – Children and Community

- (1) advising that the Council were currently committed to delivering the following improvements in the period to 2015: -
  - tolerable standard issues (including dampness, etc.) – eradicating problems in 41 houses per annum;
  - primary business elements – dealing with problems as they arose;
  - secondary building elements – renewing components to 148 houses per annum;
  - upgrading 215 partial heating systems at a rate of at least 53 per annum;

- seeking to ensure that all houses had an NHER rating of at least 5 by 2015, where technically feasible and affordable;
  - fully internally upgrading 215 houses per annum over the Plan period;
  - replacing 493 kitchens per annum and where necessary upgrading heating systems during the Plan period;
  - fitting new smoke detector heads at ten yearly intervals, commencing 2011;
  - electrically testing and certifying every house on a five yearly cycle;
  - all oil, electric and solid fuel heating systems to be tested and certified on an annual basis which had commenced in 2005/06;
  - where possible, fitting entry door systems to common close areas where these had not been fitted; and
  - other than in properties served by a common entrance, replacing all external doors with maintenance free units;
- (2) advising that the funding Plan set out in Appendix 1 of the report had been designed to deliver the commitments identified at (1) above and that those items relating to the testing of systems and appliances would be funded through the Revenue Programme with all other items being funded through the Housing Capital Investment Programme;
- (3) seeking approval of a draft Housing Capital Investment Plan for 2011/12 as follows:-
- (a) that the funding plan as set out in Appendix 1 of the report had been designed to deliver the commitments identified at (1) above and that those items relating to the testing of systems and appliances were funded through the Revenue Programme and that all other items would be funded through this Programme;
  - (b) the sum of £392,360 identified against the Programme heading of "Addressing Dampness and Condensation Issues" would be used to remove wet cavity wall insulation, fitting positive input ventilation systems and following the necessary remedial work to the external fabric of the houses concerned, to refill cavities to maintain good energy performance;
  - (c) it was estimated that fitting new kitchens, heating systems, bathroom suites, additional loft insulation and smoke detectors and rewiring houses, as necessary, would cost in the order of £5,215,097 at current prices;
  - (d) £475,492 was being budgeted in 2010/11, to continue work in the period to 2015, to renew partial heating systems, comply with a minimum NHER energy rating of 5, per the Scottish Housing Quality Standard, and to continue to improve insulation levels in houses which would not have been part of the internal modernisation programme by 2015 and which would otherwise have failed the Quality Standard;

- (e) particularly within mixed-tenure estates, there was a need to renew fabric in common areas and that a number of areas including Wallacetown and Lochside in Ayr had been identified as a priority in this regard and that it was intended that £250,000 included in the draft Programme would be utilised to replace glass screens to staircases, fit new security doors, upgrade lighting to common areas, improve bin storage and renew external paths and to generally improve the external fabric of properties within these areas and that progress in many cases would be dependent on the willingness of owner-occupiers to participate and, in some cases, on the availability of housing grants to assist them to meet their share of the costs;
  - (f) it was intended to utilise £2,301,513 for upgrading external fabric on projects to re-roof, re-render, overclad and generally upgrade the fabric of the Council's housing stock and that priorities would be determined from the information gathered through the ongoing stock conditions information;
  - (g) £168,754 identified under Environmental impacts included sums in respect of asbestos testing and related issues (£56,261) and for work of an environmental nature (£112,503);
  - (h) it had been identified through ongoing conditions surveys of properties that a sum of money was required to be spent on non-residential housing stock and that during 2010/11, properties to be targeted had included Secession House, Forrester's Hall, 80-88 Kyle Street, and Girvan and Maybole Area Offices with the total identified to be spent on non-domestic premises in 2011/12 was £198,110;
  - (i) £200,000 per annum had been included within the Housing Capital Programme to fund work to upgrade common areas within Sheltered Housing Units with this commitment concluding in 2014;
  - (j) work to the twelve Maisonette blocks in North Ayr was ongoing and the allocation of £1,709,236 would be used to continue this work in 2011/12;
  - (k) £4,217,282, net of subsidy and other income, was budgeted for new build council houses in Thornyflat and Somerset areas of Ayr; and
  - (l) the sum of £349,156 budgeted for "Other Payments and Contributions" would be spent on programme management costs, meeting any legal costs that arose during the course of the year and ongoing housing stock surveys; and
- (4) reporting that the level of resources identified to fund the Investment Programme in the report "Setting of Council Rents 2011/12", was £15,477,000m which was based on the results of the recently completed review of the Housing Business Plan as detailed in Appendix 1 of the report.

**Decided:** to approve the proposed Housing Capital Investment Plan for 2011/12 as detailed at (3)(a) to (l) above and as outlined in the report.

The meeting ended at 1.15 p.m.