



**REPORT BY DEPUTE CHIEF EXECUTIVE AND
EXECUTIVE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT**

REGULATORY PANEL: 9th July 2009

SUBJECT:	PLANNING APPLICATION REPORT
07/01795/OUT	AYR– Land to South East Ayr
DESCRIPTION:	Outline planning permission for mixed use development comprising residential, business, retail, education, hotel, leisure/health and associated infrastructure, including access, open space and landscaping
REPRESENTATIONS:	16 letters of objection
RECOMMENDATION:	Delegated powers to approve subject to legal agreements, including appropriate financial contributions; and to appropriate conditions

APPLICATION REPORT

1. **Proposal**

- 1.1 Outline planning permission is sought to develop approximately 180 hectares of predominantly agricultural land and woodland to the south east of Ayr. The site comprises the lands of Corton, Cockhill/Glenparks and Alton and is bounded by the public road network comprising the A77 (Glasgow/Stranraer trunk road), the A713 (Ayr/Dalmellington Road) and the local Corton Road.
- 1.2 The submitted application indicates that the site is to be developed for a mix of uses including residential, business, retail, education, hotel, leisure, health and associated infrastructure including access, open space and landscaping works.
- 1.3 The planning application takes the form of a plan identifying the extent of land to which the outline planning application relates; and which has been accompanied with the following supporting documentation:
 - Application “Masterplan Report”, (November 2007)
 - Development Framework Report
 - Comprehensive Masterplan – Masterplan Principles, (12th January 2009 – RevG)
 - Corton Development and Design Brief, (Final Issue: January 2009 RevC)
 - Design Statement
 - Transportation Assessment, (including addendum dated August 2008)
 - Planning Assessment
 - Sustainability Statement
 - Statement of Intent – Open Space Maintenance, (Geddes Consulting, November 2008)
 - Study of Low and Zero Carbon Technologies, (RSP Consulting Engineers, October 2008)
 - Environmental Statement; (including a submitted addendum relating to Landscape Character).

- South East Ayr: Statement of Funding Principles, (Geddes Consulting, 8th April 2009)
- Flood Risk Assessment (Kaya Consulting, 22nd April 2009)
- South East Ayr: Landscape and Open Space Provision (Geddes Consulting, October 2008)
- South East Ayr Development: Whiskered Bat Mitigation

- 1.3.1 The submitted Comprehensive Masterplan for South-East Ayr takes the form of a single drawing and sets out the range and location of major land uses within the application site. It also gives an indication of the access arrangements and the proposed circulation hierarchy both through the site, indicating connectivity between phases and parcels of land within phases, and its connection with adjoining land. The Masterplan further indicates an overall landscape framework for the site and most notably the retention of Cockhill Woods at the eastern extremity of the site, a landscape buffer providing noise attenuation at the boundary of the site with the A77 Trunk Road, structural planting and open space provision. The Masterplan also sets out the urban form of the proposed development, indicating blocks of buildings and those which will have major/active frontages. Finally, the Masterplan sets out those indicative locations for Sustainable Urban Drainage ponds.
- 1.3.2 The submitted Masterplan and planning application excludes the adjacent land covering the National Health Service interests at Ayr and Ailsa Hospitals, the Carrick Glen Hospital, residential properties at Woodlea, Glenparks Cottages and Glen Rosa; as well as the majority of land associated with the Ayr/Stranraer railway line.
- 1.3.3 The site is to be developed in three distinct phases over a 20 year period; and are referred to as the Corton, Alton and Cockhill/Glenparks phases, respectively. It is not possible, at this juncture, for the applicants to set out a more defined plan for the proposed development than that reflected in the submitted Comprehensive Masterplan; however, given that it is intended that Corton will be the first phase the applicants have submitted a Development and Design Brief. That Brief provides greater clarity on how the Masterplan will be achieved within the Corton phase. It is expected that unless development guidance alters significantly over the period of the project, the Design Brief will also guide further development throughout the Masterplan site. As the application is in outline, the precise detailed layout within each phase shall of course be the subject of further formal applications to the Planning Authority.
- 1.3.4 The applicant's have undertaken to prepare and submit an Environmental Assessment for the proposed development. The Assessment has been the subject of publicity and also consultation with a wide range of stakeholder, who in turn have then informed the assessment of the application.
- 1.3.5 The submitted Transport Assessment has been included in the consideration of the application by both Transport Scotland and the Council's own Roads Engineers.
- 1.4 As stated above, the site is to be developed in three phases; Corton, Alton and Cockhill/Glenparks. Development will commence in Corton and then progress to Alton followed by Cockhill/Glenparks.
- 1.4.1 Residential development is a significant component of the proposed application and is to be developed within all three phases. It is proposed to develop housing throughout the application site, (to a Structure Plan target of 2700 units). The applicants submit that that it is their intention to provide for affordable housing to a target of 25% of housing units, both through the provision of social rented housing by Registered Social Landlords and low cost ownership.
- 1.5 The Corton phase is to comprise four main components; a „village centre“, a business park, a „village green“ around which community uses are to be grouped, and residential neighbourhoods.
- 1.5.1 The „village centre“ is to be located adjacent to the junction of the Maybole Road with the A77 and set behind a landscape buffer. It will comprise a 60 room hotel including restaurant, retail development (a food store of 2000 sq. m. and a parade of 5 shops, each of 200 sq. m. in size), and a 2900 sq. m. building for leisure uses.
- 1.5.2 The ten hectare business park is to provide 15,000 sq. m. of floor space and is to be developed at the south-west extremity of the site, immediately adjacent to the A77 and its junction with Doonholm Road.

- 1.5.3 The „village green“ is located to the eastern portion of the site and bounded by the Ayr/Stranraer railway line to the north. It comprises a community pitch (100x64m) within a landscaped setting (of 118x76m). Next to the community pitch a new primary school is to be developed. It is to be constructed in phases on 4 hectares of land and will include nursery facilities and outdoor space. The submission indicates the intention for the school hall and changing facilities to also be made available for community use; however, it is understood that the applicant's, in dialogue with the Council's Education Service, has agreed that any changing facilities should now be sited out with the school and adjacent to the community pitch.
- 1.5.4 Residential areas are developed throughout the Corton site. The applicants have most recently indicated in their Statement of Funding Principles, that around 747 housing units are to be provided within the Corton phase. It is envisaged that of the 747 houses, 187 affordable homes will be provided in a number of locations throughout the Corton phase.
- 1.5.5 In addition to the above, the Corton phase will provide a medical centre, to be located either within the „village centre“ or near to the „village green“; and a transport hub to comprise of a rail halt and a park and ride facility comprising a 140 space car park. (A further 60 car parking spaces will be provided within a park and ride facility, on the opposite side of the rail line, and within the Alton phase). It is intended that a public bus service facilitating the site will also make use of the hub.
- 1.6 The Alton and Cockhill/Glenparks phases will comprise predominantly residential development, (making up the balance of 2700 housing units), within a landscape framework including open space, tree belts/structural planting and a noise attenuation bund adjacent to the A77 trunk road.
- 1.7 The applicants have also given an indication of their intentions regarding access to and through the application site.
- 1.7.1 It is proposed that the Corton phase will access directly onto the A77 trunk road via a new four arm roundabout replacing the existing priority junction of the A77/Maybole Road. Secondary access is to be provided via a new roundabout to replace the existing staggered junction on the A77 at Corton and Doonholm Roads. This will provide an access into the proposed business park. A third vehicular access into the site is to be made available from the Corton Road, providing a bus route linking the Corton and Cockhill/Glenparks phases. In addition, a footbridge over the A77 will provide linkages to existing residential neighbourhoods to the west of the A77 for pedestrians, cyclists and horse riders.
- 1.7.2 Access to the Alton phase will be provided via an upgraded roundabout on the A713 some 215m to the south east of the Bankfield roundabout, with the intervening road being upgraded to a dual carriageway. The submitted Masterplan shows a further footbridge over the A77 from the Alton phase to connect with existing residential neighbourhoods at Kincaidston.
- 1.7.3 Access to the Cockhill phase will be provided by a new roundabout on the A713 some 480m to the north west of the junction with Corton Road.
- 1.7.4 The submitted Comprehensive Masterplan also indicates the provision of an upgraded junction, accessing Ayr Hospital from the A713. Current indications are that this is likely to take the form of a new roundabout.
- 1.8 With respect to topographical changes within the site, the applicants have indicated that with the exception of some re-grading expected at the south side of the Slaphouse Burn and adjacent to the railway line, the proposed levels for residential development within the Corton phase will follow existing contours.
- 1.9 The application is submitted by a consortium of developers comprising Taylor Wimpey Developments Ltd, CALA Homes (West) Ltd and Lynch Homes. South Ayrshire Council has an interest as an owner of part of the land to which the planning application relates.

2. **Consultation Responses**

2.1 There has been extensive consultation with interested parties, including statutory consultees, on the application proposals and where relevant, the submitted supporting documentation. The comments and responses of the consultees are as summarised below:

2.1.1 Ayrshire Joint Structure Plan Manager offered no comment on the planning application.

2.1.2 The Council's Building Standards (Engineers) have considered the submitted planning application and Flood Risk Assessment and are content that the proposals for design flows, SUDS, compensatory storage and flow paths are fair and reasonable. Offer no objection to the application proposals, subject to a condition regarding surface water from the site being treated in accordance with the principles of the CIRIA Sustainable Urban Drainage Systems Manual; and in addition to the conditions recommended by the Scottish Environment Protection Agency as noted below.

2.1.3 The Council's Children and Community Directorate have highlighted that the existing education provision is insufficient to meet the additional pupil demand arising out of the South East Ayr development. They have also highlighted that, subject to the necessary funding being in place, that they do not see any insurmountable problems.

2.1.4 The Council's Environmental Health Department indicated that the submission of a noise impact assessment, a comprehensive contaminated land investigation and a vibration assessment are required to be submitted and agreed prior to the grant of any planning permission. Otherwise, Environmental Health offer no objection, subject to specific conditions being attached to any grant of planning permission.

2.1.4.1 The applicants have since responded to these requirements, as follows:

"In response to the requirements for a noise impact assessment, the applicants indicate that a noise impact assessment has been carried out for the project with predictions based on a design year of 2025. The scheme includes a proposed 4m high perimeter acoustic bund to reduce noise from the A77. As the application is in outline there are no detailed layouts which could be used to obtain internal noise levels. However, there are reasonable grounds to conclude that acceptable internal noise levels may be achieved across the site using conventional building layouts and design. At the detailed planning stage the applicant should be required to submit a scheme demonstrating that noise from transport related sources will not exceed 45db LAeq 07:00 – 23:00 and 35dB LAeq 23:00 – 07:00 inside any habitable room.

A full site investigation has been undertaken confirming that no contamination has been identified and no remedial measures are necessary other than to deal with an area containing one sample containing cement bound asbestos. It is proposed that this material will be removed from site by a suitably licensed contractor subsequent to which validation testing shall be undertaken.

With respect to vibration assessment, there are no dwellings proposed within 15m of the edge of the railway property. Accordingly, we do not anticipate that vibration from rail traffic is likely to be a significant issue given the distance from the railway and the frequency to rail traffic. They propose that a planning condition be attached to any permission requiring that at detailed application stage the developer shall submit details of measures intended to prevent significant loss of amenity from the effects of ground borne vibration from rail traffic."

2.1.4.2 In response to the above, Environmental Health confirm that subject to the above being adhered to, they have no objection to the planning application.

2.1.5 The Council's Housing Service (Housing Policy and Strategy) support the proposal and in particular the provision of housing. They look forward to further detailed discussion with the consortium on the locations and housing mix of the affordable element and also on the phasing and timescales for development so that they may be incorporated into future Strategic Housing Development Plans.

- 2.1.6 The Council's Landscape Section indicate that much of the existing structural landscape will be retained and enhanced. Offer no objection to the proposed level of open space provision to be provided throughout the development and offer no adverse comment regarding the proposed choice of plant material. Existing trees will need to be retained and protected, apart from where it is necessary to create access to development zones or to accommodate level changes. Recommend measures regarding the protection of trees in the vicinity of construction work on site. Detailed landscaping proposals can be considered at the formal detailed application stages and appropriate landscape bonds covering the implementation of the works can also be agreed and received, prior to the issuing of formal approvals.
- 2.1.6.1 Specifically in terms of the landscape capacity of the site to appropriately accommodate development, the Council also sought the opinion of Jacobs Consultancy, Landscape Consultants. Jacobs express concern regarding the visual impact of development within the Alton phase of development. Their advice is that development should be removed from the higher ground at the top of the hill. This would provide a larger open space on the hill-top which could alternatively be a location for a viewpoint and some public art or sculpture. Altering the layout of the housing in this way would also help to provide more natural edges to the development which currently follow the incongruous straight lines either side of the gas pipeline wayleave rather than responding to any natural features of the site. The development should not appear simply as an extension to the urban area of Ayr, but rather as housing within a wooded setting, to provide a suitable transition between Ayr and the countryside. To this end, it is important that the landscape framework is robust and that planting is of sufficient breadth. Particular attention will be required along the A713 boundary in this regard.
- 2.1.7. The Council's Sustainable Development Team raise no objection and provide recommendations for improving biodiversity, including the submission of a Landscape and Habitat Management Plan; a Sustainability Statement and information demonstrating the applicants delivery of Scottish Planning Policy 6 requirements relating to CO₂ emissions.
- 2.1.8 The Council's Roads and Transportation Section have considered the planning application and the applicants submitted Transport Assessment. They offer no objection to the outline application; subject to conditions being attached to any grant of planning permission. These conditions are set out further in the report, under „Recommendation“, below; and are conditions numbered 15-42. The conditions included require, inter alia, specified upgrading of the local network ex-adverso the site.
- 2.1.9 The Council's Waste Management Service offer no objection to the application, subject to land being made available for a community recycling centre and the provision of recycling banks for glass, paper, food and drinks, cans, plastics and cardboard.
- 2.1.10 Architecture + Design Scotland offers no comment on the submitted planning application.
- 2.1.11 Architectural Heritage Society object to the application on basis of the use of open countryside for development, when this development should take place on brownfield sites in Glasgow. Raise concerns regarding climate change and the infrastructure requirements of other proposed developments also needing to be considered.
- 2.1.12 Network Rail does not object to the planning application and remain in open dialogue with the applicant. Proposals should be integrated with the existing network. A new rail halt could not be financed by Network Rail without initial or on-going funding. At this time, a station in this location could only be served by the Stranraer/Girvan train, which works out roughly to a train every two hours. Network Rail do not believe that people will use this infrequent service as the proposed site is less than two miles from the existing train station which has a service to Glasgow every half hour with more during the peak. Network Rail suggests that to provide real benefits, it would be better if the line was electrified up to the proposed site which would allow the service to be extended from Ayr. This solution however, would require a turn back facility of some kind, the location of which should be identified as early as possible. The physical location of the proposed new halt is also in question. The site of the new proposed rail halt should have a gradient of less than 1:500. Currently the level is 1:70 which does not comply with rail safety standards. The two over bridges and single underpass structures will all require works to keep them fit for pedestrian use in years to come. The two bridges and the underpass are not general public rights of way and are not maintained as such. The developer would have to acquire servitude rights of way from Network Rail. In the absence of the additional station being secured, the Planning Authority should give consideration to the contributions being used to upgrade Ayr Train Station.

- 2.1.13 Annbank and Coylton Community Council offer no objection to the application proposals.
- 2.1.14 Belmont and Kincaidston Community Council offer no comment on the application proposals.
- 2.1.15 Scottish Government Housing and Regeneration Directorate (formerly Communities Scotland) offer no objection and are supportive of the proposed affordable housing, in principle.
- 2.1.16 Health and Safety Executive does not advise against the granting of planning permission.
- 2.1.17 Glasgow Prestwick Airport offers no objection to the outline planning application.
- 2.1.18 Scottish Environment Protection Agency (SEPA) has considered the submitted planning application and accompanying documentation, including the submitted Flood Risk Assessment. Having considered the submissions, SEPA offer no objection on flood risk grounds; subject to conditions being attached to any grant of outline planning permission, and as set out in conditions numbered 53-55, below.
- 2.1.19 Scottish Gas Networks offer no objection to the planning application.
- 2.1.20 Scottish Power offers no objection to the planning application.
- 2.1.21 Scottish Water offers no objection to the planning application. A totally separate drainage system will be required, with the surface water discharging to a suitable outlet. Scottish Water supports the principle of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design.
- 2.1.22 Scottish Wildlife Trust comment that the wildlife value of the area has been generally well assessed and the developers have been careful to minimise the damage caused by the project. There are no areas within the site that have any wildlife designation, though there are a few in the vicinity. It would be useful to know more of what is planned by way of mitigation for farmland birds during the early phases of construction. With specific reference to the Comprehensive Masterplan and the Corton Development and Design Brief, the proposals do not raise any serious concern.
- 2.1.23 Sport Scotland does not consider that the application proposals are such that they required to be formally consulted. Notwithstanding, they offer general guidance on facility provision.
- 2.1.24 Strathclyde Passenger Transport welcome the submission of the proposals by the applicant, which will see the provision of bus services and facilities within the development from the outset. It is necessary that a section 75 agreement is in place up to and after the site is fully developed to ensure bus provision throughout all phases of development. The agreement should include the provisions of bus infrastructure and subsidy to the services for a minimum period. The applicant and Transport Scotland should take forward the development of any new station at the site and SPT support the principle of a new rail station at this location. It is considered that the limited travel opportunities given by stopping existing diesel services is unlikely to encourage large scale use of train services. SPT would like to see higher frequency and improved timetabling of services to Maybole and Girvan. The proposed park and ride facility requires to be supported by public transport being available. Ongoing revenue costs associated with the park and ride facility also require to be considered. SPT welcomes the inclusion of dedicated walking and cycling routes within the development and the provision of safe crossing points over the A77 to ensure linkage between the development and the surrounding existing communities.
- 2.1.25 West of Scotland Archaeology Service accepts that the mitigation proposed in the Environmental Statement would provide for an appropriate response to the archaeological issues raised by the proposals. However, owing to the scale of the proposed development, this strategy might be difficult to achieve through the attachment of conditions. Due to the scale and likely number of detailed applications, added to the number of applicants and engineers that may be involved, it is possible for confusion to build. It might be appropriate to secure the archaeological work under a more rigorous section 75 agreement.
- 2.1.26 Scottish Enterprise Ayrshire offers no comment on the application proposals.

2.1.27 Transport Scotland (Trunk Roads Directorate) JMP Consultants Ltd has responded, as term consultants on behalf of Transport Scotland, in relation to the Environmental Assessment submitted as part of the planning application. They advise that the air quality impacts associated with road traffic are unlikely to be significant. In terms of road traffic noise, the requirements for mitigation measures at existing receptors shall be reviewed as part of the detailed assessment process once the detailed design of the road layouts and carriageways have been finalised. The noise impact assessment for the revised roundabout access off the A713 at Woodlea has been considered separately and mitigation is proposed. A 4m bund would be required to significantly reduce the area of land adjacent to the A77(T) and the A713.

In terms of the impact on transportation, Transport Scotland offers no objection to the outline planning application, subject to conditions. These conditions are set as set out in conditions Nos. 7-14, below, and include that a programme of modifications to the A77 trunk road are carried by the developer. These include a new roundabout at the locus of the principal site entrance at the Maybole Road being completed prior to the occupation of any of the proposed development, an upgrading to the existing Bankfield Roundabout being completed, prior to the occupation of the 501st dwelling house and the provision of over-bridges linking the Corton and Alton phase to the west side of the A77.

A letter of understanding accompanying the response by Transport Scotland sets out, (in addition to the conditions to be attached to any grant of planning permission), an expectation that the applicant enters into legal agreements prior to the grant of any planning permission, whereby financial contributions towards trunk road upgrades along the A77 corridor are assessed at specific thresholds. These thresholds are:

- when agreed economic indicators for housing/business are met,
- on completion of the 300th house and retail development on the Corton phase of the development,
- on completion of the 500th house and retail development on the Corton phase of the development,
- in the event of any significant change in the masterplan content.

In addition, further reviews would be required to establish a contributory mechanism from the developers when the detailed applications for the subsequent phases come forward. The legal agreements would also make provision for the continuous review of the trunk road impacts of the development in terms of safety and journey times on the A77 corridor within the study area with the aim of identifying infrastructure elements which would need to be provided to allow development to proceed.

2.1.28 Historic Scotland offers no objection to the planning application.

2.1.29 The Scottish Government - Climate Change and Water Industry Directorate offers no adverse comment on the Environmental Assessment.

2.1.30 The Scottish Government – Planning Directorate offers no adverse comment on the Environmental Statement.

2.1.31 Scottish Natural Heritage comment that following the further submission and consideration of information relating to bats, SNH offer no objection to the planning application. SNH is content with the commitment from the developer to incorporate the main mitigation measures required for bats into a Habitat and Management Plan; and for this plan to be the subject of a Section 75 Agreement and to regular review by the local authority and SNH. Otherwise, SNH recommend the following form conditions to any planning permission that may be granted: no disturbance to potential bird breeding habitats within the main bird breeding season, a landscape and Habitat Management Plan being put in place, and the services of a qualified ecologist, experienced in dealing with bats being on hand during the construction phase and overseeing the Landscape and Habitat Management Plan.

2.1.32 East Ayrshire Council have concerns that the application could be viewed as seeking planning consent for future development which extends far beyond the South Ayrshire Local Plan period of 2012. The proposals as submitted should be reconfigured to tie in with and reflect the provisions of the Structure Plan.

3. **Representations**

3.1 A total of 16 letters of objection have been received from seven different property interests, copies of which are attached for information. In summary, the main grounds of objection are as follows:

- a) The impact of the development on the safety and welfare of horses and riders using the local road network.
- b) Health and safety risks associated with cyclists and walkers sharing existing paths within Cockhill Woods with horses and their riders.
- c) The development will adversely affect an existing equestrian business, its employees, facilities and stock security.
- d) The development will adversely affect the general amenity of the Carrick Glen hospital and that an area of land in the immediate vicinity of the hospital should be excluded from development by way of a condition or S75 Agreement so as to provide visual screening by way of the planting of additional trees and noise reduction. The existing Cockhill Wood should be retained by way of a condition or S75 Agreement.
- e) Glenparks Cottages do not feature in the application documentation, yet they are included in the application site.
- f) The right of access from Glenparks Cottages to the A713 has been ignored.
- g) Concerns regarding the risk of surface water drainage/flooding from the proposed development.
- h) The proposed development having an adverse impact on the residential amenity of Glenparks Cottages by way of additional noise, overshadowing and loss of privacy.
- i) The development will result in traffic congestion.
- j) Local roads being unsuitable to take additional traffic without major upgrading.
- k) Inadequate provision of off-street parking.
- l) The proposed development changes the characteristics of the area from rural to suburban.
- m) The capacity of the road junction of the A713 with the Ayr Hospital road is insufficient and must be upgraded by the provision of a roundabout; so as to avoid delays to patients, staff and visitors to the hospital as well as providing clear access and egress to accident and emergency services. The NHS requires confirmation from the Consortium of a development density/number of units/phase/date when the Consortium will deliver the Ayr Hospital junction upgrading works/roundabout. It is a prerequisite that the provision of this form a Section 75 or other legal agreement, with confirmation the Consortium will deliver and fund. The NHS looks to South Ayrshire Council to provide the mechanism for this. As the existing hospital junctions are at or near capacity, they are far more sensitive to new development in the area. Therefore it may be possible that the Consortium phase 1 and certainly phase 2 will have some form of impact on the hospital accesses. The NHS request that South Ayrshire Council address this with the Consortium through the planning application process and the Consortium should demonstrate any likely impact from each of the development phases through a phasing or sensitivity analysis, by further traffic modelling.
- n) Provision needing to be made for a possible consolidated and varied mix of NHS healthcare services within the hospital complex resulting in increased traffic flows.
- o) No detail is provided as to how the special health needs of certain patients at Ayr Hospital can be made secure with the event of new surrounding housing.
- p) The need for satisfaction regarding a management plan to address noise, air quality and construction impact on Ayr Hospital.

4. Community Engagement

4.1 In addition to the publicity and consultation undertaken by the Planning Authority in terms of the formal assessment of the submitted planning application, the applicants undertook a programme of engagement with various stakeholders so as to inform the terms of their planning submission to the Council.

4.2 The main elements were as follows:

4.2.1 Engagement with the Council

Relevant departments within the Council were consulted and views sought for defining the brief as set out in the adopted Local Plan; as well as taking into account feedback arising from the master planning, transport, sustainability and environmental impact processes.

4.2.2 Consultation with Key Agencies and Statutory Consultees

The master planning process together with the environmental impact assessment was subject to consultation and feedback from various organisations as part of the on-going design. A range of organisations were consulted and their requirements taken on board such as Scottish Natural Heritage, Scottish Environment Protection Agency, Historic Scotland, Architecture and Design Scotland, Scottish Enterprise Ayrshire, Scottish Water, Transport Scotland, Network Rail, Strathclyde Partnership for Transport, Scottish Enterprise Ayrshire, Health & Safety Executive along with others.

4.2.3 Engagement with the Local Community

4.2.3.1 An „Enquiry by Design“ process was adopted by the applicants. Two events were held in successive months and were used to assess the complex series of design requirements of the new community in South East Ayr. The process brought together key stakeholders, where issues were discussed and which informed the application submission.

4.2.3.2 This was initiated by a two day „design charette“ in September 2007. Invitations to this design workshop for the Corton Phase of South East Ayr were sent to over 80 individuals and representatives from national and local organisations including councillors and community councils.

4.2.3.3 This was followed up with a Design Forum in October 2007 which presented and further tested the emerging design concept.

4.2.3.4 A public exhibition explaining the proposals for South East Ayr was held over two days in November 2007 which was well attended. During the two days, 172 people visited the exhibition and 53 individuals took the opportunity to complete a short feedback form.

4.2.3.5 Members of both the Parliament and the Scottish Parliament have also been consulted about the proposals.

4.2.3.6 The „Enquiry by Design“ led eventually to the publication of the Design and Development Brief for Corton.

5. Assessment

5.1 The material considerations in the assessment of this application are the provisions of the development plan, the consultations received, representations received, government guidance and other planning policy considerations and the impact of the proposed development on the locality.

5.2. **The Development Plan**

5.2.1 Section 25 of the Town and Country Planning Act (Scotland) (1997) requires all planning applications to be determined in accordance the provisions of the development plan, unless material considerations indicate otherwise. In this instance, the development plan constitutes the provisions of the Approved Ayrshire Joint Structure Plan (AJSP) and the Adopted South Ayrshire Local Plan (SALP).

5.2.2 Mindful of the relevance and statutory significance of the provisions of the development plan to the consideration of their proposals, the applicants have prepared and submitted a Planning Statement in support of their application proposals. This provides a consideration of their application proposals in relation to the relevant policies, as set out in the development plan.

5.2.3 Given the significance and complexity of this development, in land use terms, and its potential contribution to meeting with many of the core objectives of the South Ayrshire Local Plan, there is a strong policy background to the consideration of this application, including the provisions of the recently approved Ayrshire Joint Structure Plan. Reflecting this position, this section of the report draws together the assessment of the planning application and has been structured so that the principal policy matter, which details the considerations for development at this location, is given specific and central focus; namely through the assessment against policy STRAT6 of the South Ayrshire Local Plan (SALP). Therefore, this section deals first with the overall development plan position, aside from considerations against policy STRAT6, before focusing on policy STRAT6 itself. It is the considerations in policy STRAT6, which will also draw in the assessment of all other material considerations.

5.2.4 Ayrshire Joint Structure Plan: Growing a Sustainable Ayrshire

5.2.4.1 The Scottish Ministers approved the Ayrshire Joint Structure Plan on 22nd November 2007. The provisions of the Structure Plan have been fully considered in the assessment of this application and it is considered that the proposals accord with the approved Structure Plan. Set out further below, is an assessment of the application against those policies within the Structure Plan which are considered particularly relevant to the determination of the planning application.

5.2.4.2 Policy **STRAT1** of the Structure Plan requires that, where appropriate, masterplans and planning applications shall apply the „Guiding Principles of Sustainable Development“, as set out in Schedule 1 of the policy. Schedule 1 classifies the guiding principles for sustainable development in terms of „Economic Resources“, „Community Regeneration“, „Environmental Quality“, „Improving Accessibility“ and „Development Obligations“. Under each heading is a raft of requirements.

5.2.4.3 Although the application is made in outline, the applicant has provided an extensive assessment of the potential implications of the proposed development, including an Environmental Statement, (within which mitigation measures to address specific impacts are set out), a Sustainability Report and a Study of Zero and Low Carbon Technologies.

5.2.4.4 The Sustainability Report sets out the developer’s consideration of their proposals against each of the sustainability indicators within policy STRAT1, Schedule 1. Most notably, the applicant’s have identified sites for development that will meet local community needs. They have also undertaken a flood risk assessment to ensure that there will be no unacceptable risk to new development arising from flooding. An increased use of public transport will be encouraged by the developers and the applicants” have also indicated that a series of developer contributions will be agreed to mitigate any adverse impacts, including bearing the cost of road improvement and the provision of schools and community facilities.

5.2.4.5 The Study of Zero and Low Carbon Technologies gives an indication of the possible and recommended use of low and zero technologies for energy supply.

- 5.2.4.6 In this respect, I am satisfied that the application proposals are not in conflict with provisions of policy STRAT1. The relevant principles have been fully considered and I am of the view that this outline planning application, together with the planning conditions recommended, satisfy these principles.
- 5.2.4.7 Policy **COMM 2** of the Structure Plan specifically identifies, in Schedule 5, South-East Ayr as a strategic expansion location for the release of land to provide 1,450 houses to the year 2017. The allocation of a further 1,250 houses to the period beyond that from 2017 to 2025, will be subject to review at no more than 5 year intervals. This represents a total of 2,700 houses and equates with the indicative number of houses for which planning permission is sought.
- 5.2.4.8 Policy COMM2 also requires that the Council will maintain a minimum five year effective housing land supply at all times. The principle of potential development of this site is identified in the adopted South Ayrshire Local Plan and the site is listed in the most up to date Housing Land Audit for South Ayrshire (2007), where 250 housing units are programmed for commencement in 2012 through to 2014, with the remainder following thereafter. Given the expected housing contribution arising from South East Ayr, I consider that the timely development of this site will make a significant and essential contribution to the housing land supply for South Ayrshire; without which there would not be sufficient land to maintain an effective five year land supply as required by policy COMM2. The release of this application site is also a critical element in meeting the shortfall of 3,450 units in the Ayr Core Area to 2017 and an indicative shortfall, (subject to review) of a further 2,300 units to 2025 also identified by COMM 2.
- 5.2.4.9 The proposed development has been brought about through a comprehensive masterplan process, which in addition to provisions of the adopted Local Plan, is required under policy **COMM 3 F)** of the approved Structure Plan. I consider that the planning application, together the Comprehensive Masterplan for South East Ayr and the Development and Design Brief for the first phase of development at Corton meets this requirement of policy COMM 3. In addition, the policy also requires sites to have an appropriate mix of housing tenures and housing types, including affordable housing. The applicants' intention to provide for affordable housing within their development is noted and is considered to comply with the provisions of policy COMM 3. Significantly, policy COMM 3 also seeks financial or other contributions from developers to address any shortfalls in community infrastructure and/or to mitigate any adverse impact brought about by their development. In assessing the application and considering the responses of consultees, a range of impacts relating to community infrastructure requiring mitigation, have been identified. These have been discussed with the applicants, for which a package of financial contributions are to be delivered through legal agreements as set out further in the report.
- 5.2.4.10 Policy **ECON 2** is relevant in that it requires South Ayrshire Council to safeguard, enhance and promote Corton for major industrial and business development. This planning application proposes a 10 hectare site within the Corton phase for serviced business land. As such, it is considered that the application accords with the provisions of Structure Plan policy ECON2.
- 5.2.4.11 Policy **TRANS 1** is also particularly relevant in that it places an emphasis on all significant new trip generating development being closely linked to existing walking, cycling and public transport. In this regard the applicant's have, in both the Comprehensive Masterplan and the Corton Development and Design Brief, set out a movement framework, both to and within the site, for walking and cycling. This includes two overpasses spanning the A77 trunk road and linking the Corton and Alton phases to adjacent land at Laigh Glengall and Kincaidston respectively on the opposite side of the Ayr by-pass. It is also proposed to link the Corton phase with the adjacent phases at Alton and Cockhill/Glenparks by making use of the existing bridges and underpass at the railway line. The applicant's have further indicated the intention to fund a bus service to the site, a park and ride facility and make land available and contribute financially towards the provision of a rail halt within Corton. Policy TRANS1 also requires appropriate measures to be promoted to minimize any negative environmental impacts of road traffic. The most significant road in the vicinity of the site is the A77 trunk road. The applicants intend to attenuate road traffic noise by developing a noise attenuation bund adjacent to the trunk road. Transport Scotland has considered the Environmental Statement submitted by the applicants and they have concluded that the air quality impacts associated with the road traffic are unlikely to be significant. Additionally policy TRANS1 indicates that the costs of new transport infrastructure and services incurred as result of development proposals are met by developers. In this regard, the Council has been involved in the preparation of a Corridor Study which assesses the strategic transport impacts within the Ayr Core Area, resulting from the approved Ayrshire Joint Structure Plan. This

report sets out staged improvements, (and likely costs of works), to the A77 trunk road that will be required from the strategic land releases arising from the approval of the Structure Plan; and which includes the application site at South-East Ayr. The comments and recommendations of both Transport Scotland and the Council's own roads engineers are noted and the implications of the proposals in this regard can be addressed by the way of legal agreement prior to the granting of grant of outline permission; and also by conditions attached to that same permission. In these circumstances I would consider that the proposals accord with policy TRANS 1.

- 5.2.4.12 Policy **TRANS 2** requires the Council to identify, safeguard and promote new rail station locations particularly as an integral part of new development and gives priority to South-East Ayr as a potential opportunity for a new station location. The applicants' masterplan identifies and safeguards a site for a rail station at South-East Ayr on land entirely owned by Network Rail. Additionally, the applicants have agreed, on a tariff basis, to make a financial contribution towards the provision of the rail halt. In these circumstances, I consider the proposals to accord in principle with policy TRANS 2.
- 5.2.4.13 The Structure Plan, through the provisions of policy **ENV 1** seeks to maintain and enhance the quality of Ayrshire's landscape. In providing for new development, particular care shall be taken to conserve those features that contribute to local distinctiveness. Whereas, the Structure Plan and Local Plan combine to release the site at South-East Ayr, the development of the site has been the subject of a masterplan process, involving stakeholders who have informed the layout and design of the proposed development. Further, the Council engaged the services of Jacobs to assess the capacity of the Alton phase to accommodate development. In this regard, there are concerns regarding development taking place within the higher ground of that phase and this is reflected in the Masterplan, which excludes a specific area of land from development. The Masterplan also sets out a landscape framework for open space and structure planting. With the caveat that the development aspirations within the Alton phase require to be tempered, I am satisfied that the layout of site meets with the provisions of Structure Plan policy ENV1.

5.2.5 South Ayrshire Local Plan (SALP)

- 5.2.5.1 Strategic Policy STRAT6 of the adopted Local Plan specifically covers 224 hectares of land at South-East Ayr and includes both the application site as well as the land occupied by Ailsa/Ayr hospitals complex. The policy states that should a requirement for additional housing land be identified through the structure plan process, (which, as stated above, has since been established in the subsequent approval of the new Ayrshire Joint Structure Plan in November 2007), the site should then come forward for long-term housing and industrial/business purposes. The effect of the approval of the Structure Plan together with the provisions of Strategic Policy STRAT 6 is that the principle of development on the site has now been satisfactorily established.
- 5.2.5.2 As a consequence, it is intended to first consider the merits of the application proposals against other relevant policies of the Local Plan and thereafter examine the application proposals further and specifically in terms of policy STRAT6. Other policies of the Local Plan considered relevant to the assessment of this planning application are Strategic policies STRAT5, IND1, IND3 and H1 and policies IND5, H13, SERV 4, SERV5 and SERV6. Recommendation 1 of the Local Plan is also considered to be relevant.
- 5.2.5.3 Strategic policy **STRAT5** sets out a number of provisions that must be given consideration in the determination of all planning applications. Policy STRAT5 seeks to ensure high quality environments and sets out criteria that development will be expected to meet. These criteria relate to the layout of a development, visual impact, the safeguarding of amenity, natural and built heritage resources, sustainability and the impacts upon existing infrastructure. All these considerations have been assessed elsewhere in this report and I consider that the proposals, together with the recommended planning conditions, satisfy the requirements of policy STRAT 5.
- 5.2.5.4 A portion of the application site, at Cockhill, is covered by the provisions of Strategic Policy **IND3** of the Local Plan; as well as Strategic policy **IND1** and policy **IND5**. Policy IND3 requires the Council to safeguard and promote 30 hectares of land for industrial and business development at Cockhill. However, this same portion of the application site is also covered by the provisions of Strategic Policy STRAT6. Policy STRAT6 clearly states that it is an essential requirement that the industrial site at Cockhill will not be made available other than for development in accordance with Strategic policy IND3, until such time as a comprehensive master plan for South East Ayr has been prepared. In this respect, the Masterplan proposes the development of a 10 hectare Business Park at Corton and reallocates the land at Cockhill for residential development purposes. It is considered that the siting of a Business Park at Corton provides an accessible location for

such a land use and the proposed business development represents an acceptable arrangement to then permit residential development within the Cockhill phase. Accordingly, and in these circumstances, the preparation of the Comprehensive Masterplan provides a vehicle to give consideration to permitting housing development within that part of Cockhill covered by the provisions of policy IND3. The provisions of policies IND1 and IND5 are general policies in so far as they apply throughout the plan area. Together they set out criteria for all industrial, business and associated development proposals to accord with the Council's Industrial Strategy.

- 5.2.5.5 Strategic policy **H1** seeks to maintain an effective five year supply of housing land. In relation to the structure plan, this site forms a significant part of the five year land supply, and if development was constrained or delayed then there would be insufficient land supply to meet with the requirements of the structure plan and government policy as set out in SPP 3.
- 5.2.5.6 Policy **H13** seeks affordable housing from housing development exceeding 15 units in capacity, or a site size equal to or exceeding 0.6 hectares. The South-East Ayr therefore meets the criteria for affordable housing provision. The Local Plan policy seeks a target contribution of 25% of the total number of housing units to be developed. This matter is considered fully in terms of the affordable housing requirements under strategic policy STRAT6, below. I consider that the applicants proposals meets the terms of policy H13; the delivery of which can be the subject of an appropriate legal agreement so as to meet with of the adopted South Ayrshire Local Plan and the Council's associated Supplementary Planning Guidance „New Housing Developments and Affordable Housing“.
- 5.2.5.7 Policy **SERV4** of the Local Plan requires the Council to review the transport network with the relevant controlling authorities, to identify and implement, or encourage implementation of appropriate solutions to any problems on the transport network which may arise. The applicants submitted a Transport Assessment in support of their planning application and the Council commissioned the South Ayrshire Corridor Study, as referred to above, which considers possible improvements required along the A77 by-pass to accommodate additional housing land requirements contained in the Structure Plan; of which South East Ayr is a major component. As stated above, the implications for the road network arising from the development at South-East Ayr can be appropriately dealt by way of legal agreement and conditions to any grant of outline planning permission.
- 5.2.5.8 Policy **SERV5** states that the Council will seek to ensure that land uses generating high density travel demands are supported by green transport plans and are located where frequent and convenient public transport services are available or will be made available. The applicants have identified within the comprehensive master plan, a rail halt, and a park and ride facility for up to 200 vehicles located within the Corton and Alton phases. The applicants also intend subsidising a bus service to the site for a ten year period. In these circumstances, it is considered that the provisions of policy SERV5 have been met.
- 5.2.5.9 Policy **SERV6** seeks to promote and encourage park and ride facilities to serve Ayr/Prestwick and also the greater expansion of the existing rail network including the provision of additional rail halt facilities to serve Ayr Hospital. This matter has been dealt with above, although it should be pointed out that Transport Scotland have indicated that it has no plans for the provision of rail halt at Corton and that planning policies should aim to concentrate on maximising the use of existing stations before considering the provision of further rail stations. In Transport Scotland's view, new stations will only be considered where the surrounding population or workplace or visitor need is sufficient to generate a high level of demand. It is hoped that with the fulfilment of the South-East Ayr Masterplan the site will eventually meet this criteria. However, in the meantime, the Council will have to consider how best to address this latest view of Transport Scotland. At the very least, the proposed legal agreements and planning conditions can secure the safeguarding of land and financial contributions towards the provision of a rail halt, as well as the provision of a park and ride facility.
- 5.2.5.10 Strategic Policy **STRAT6** of the adopted South Ayrshire Local Plan indicates that should additional housing land be required through the structure plan process, (and which is now considered to be the case), 224 hectares of land at South East Ayr will be identified as a longer term strategic growth area. Any residential or associated development in this location will however be required to conform to the provisions of a Masterplan which will have received the prior approval of the Council. The application site covers 180 of the 224 hectares identified by STRAT6 in the Local Plan. It excludes those parcels of land identified in paragraph 1.3.2 of this report and most significantly the NHS land associated with Ayr and Ailsa Hospitals. As a substantial area of the red line site is consistent with the area defined in the SALP, as being the area to which a

masterplan should be prepared, I am confident that the area covered by STRAT6 is being appropriately planned through this planning application. Any proposals for land out with the application site, but covered by STRAT6, should be the subject of a similar masterplan process. Further, and as stated above, part of the site at Cockhill cannot be made available, other than for development in accordance with Strategic Policy IND3, (which safeguards 30 ha of land at Cockhill as a strategic industrial site), until such time as a comprehensive master plan has been prepared.

- 5.2.5.11 The applicants prepared a STRAT 6 Masterplan Report (2007) and Development Framework Report and submitted this to the Council with its application for outline planning permission in January 2008. A Comprehensive Masterplan for the whole of South East Ayr and a Comprehensive Masterplan Design and Development Brief for the Corton phase were subsequently submitted to the Council in February 2009. The Corton Development and Design Brief sets out the design principles and concepts for development. The latest of the applicants' submissions serve to provide a platform for providing greater clarity on the applicants' intentions for developing the site.
- 5.2.5.12 If minded to grant outline planning permission, approval would also be granted for the Comprehensive Masterplan.
- 5.2.5.13 STRAT6, under 8 separate bullet points, sets out in addition to the identification of residential and industrial land, the considerations that such a masterplan will require to address. Each of the 8 separate requirements is considered in further below. The policy indicates that these points are not exclusive.
- 5.2.5.14 **Provision of a substantial amount of affordable rented housing development**
- 5.2.5.15 The applicants propose to transfer serviced land for affordable housing to a level of 25% of the housing units to be developed within the site. This amounts to around 675 new affordable houses throughout the site. This means that 25% of the site's residential capacity will be serviced and transferred to an affordable housing provider at an agreed price. The applicants further indicate that the preferred tenure mix of this affordable housing has been determined by the Council and the Scottish Government and that the priority at South East Ayr is for 80% social rented homes and 20% low cost ownership.
- 5.2.5.16 The applicants have advised that the above proposal is subject to funding being available from the Scottish Government and a Registered Social Landlord being nominated to build the affordable housing. The applicants have also given a confirmation that the consortium can exercise commuted payments, if requested by the Council.
- 5.2.5.17 The applicants „Statement of Funding Principles“ suggests the overall capacity of the Corton phase to be around 747 new homes. The applicants propose to transfer serviced land on the basis of several parcels within Corton to accommodate 25% of the units for affordable housing ie 187 affordable homes.
- 5.2.5.18 Policy H13 of the South Ayrshire Local Plan seeks a contribution of 25% from new housing developments which exceed 0.6 hectares in size. At the time of considering this planning application, the intentions of the applicants is considered to meet the terms of the Council's affordable housing policy; as expressed through policy H13 of the adopted South Ayrshire Local Plan and its Supplementary Planning Guidance. Notwithstanding the applicants' intentions, it is understood that at this juncture it is premature, in terms of funding cycles, for the Scottish Government to commit finance so as to secure a nominated Registered Social Landlord. The consultation responses of both the Council's Housing Service and the Scottish Government's Housing and Regeneration Directorate, however, are both positive in terms of expressing support for this delivering mechanism for affordable housing within the site at South-East Ayr. It is considered therefore that if minded to grant outline planning permission, the applicants first enter into a legal agreement so as to secure a scheme of affordable housing, in compliance with Council policy. I consider that with such a legal agreement in place, these proposals would meet with the terms of policy H13 of the South Ayrshire Local Plan and the Council's approved Supplementary Planning Guidance "Affordable Housing in New Housing Development". I would also therefore, consider the terms of policy STRAT6, as it relates to affordable housing, to have been met.

5.2.5.19 **Identification of a site for a new Primary School**

5.2.5.20 The applicants have allocated 4 hectares of land for a new nursery and primary school of up to 4 streams, (which the applicants are willing to transfer, at nominal value, as serviced land to the Council), for the construction of a new primary school within the Corton phase. The proposed educational facility will also include the provision of sports pitches and an integrated community hall.

5.2.5.21 Discussions have been ongoing with the Education Service and the Council's Children and Community Directorate have completed their assessment of the educational impact of the South-East Ayr development on local education provision. The new school at Corton should be delivered in three phases. As the 4 hectare site will not accommodate a single storey, 4 stream, school, the first phase will require to be a 2 storey building. It is anticipated that the first phase will be able to accommodate the estimated number of new primary pupils and pre-5 children from the Corton and Alton phases of the proposed development. The first phase of the new school should be planned for the completion of the 400th house. Primary pupils and pre-5 children arising from the initial house building should be educated off-site. Phase 2 of the school should be completed to coincide with the completion of the 1560th house and phase 3 planned for the completion of the 2160th house.

5.2.5.22 In addition to the above, the Children and Community Directorate indicate that extra off-site accommodation for denominational primary school pupils and non-denominational secondary schools pupils will be required. Queen Margaret Academy has sufficient capacity to meet secondary denominational requirements.

5.2.5.23 The financial cost of meeting the educational consequences of the proposed development, as set out above; have been defined by the Education Service. The financial contribution, together with the transfer of serviced land, from the applicants towards these educational consequences will require to be secured through legal agreement(s) with the Council; and any such agreement would require to be in place prior to the grant of outline planning consent. Subject to agreement being reached on these same matters, it is considered that the STRAT6 masterplan requirement on the education provision will be satisfied.

5.2.5.24 **Identification of land for shops and community facilities to serve the local area**

5.2.5.25 The applicants have identified land for a neighbourhood centre covering 4 hectares to serve the whole development; and which is to be sited within in the initial Corton phase in the form of a 2000sq m supermarket and 5 smaller retail units, not exceeding 200sq m each. Any increase in this size of development would have to be justified against a Retail Impact Assessment and, if required a revised a Transport Assessment. The applicants have also indicated that they intend to incorporate a medical centre within the development to be located either within the neighbourhood centre or near to the village green. As mentioned above, community facilities such as a community hall will be combined with the primary school to ensure the most effective and efficient use of this facility.

5.2.5.26 Within the "village green", a full sized community pitch is proposed. Changing facilities would be located beside the pitch. These will be provided by the applicants, but will require to be maintained thereafter by the Council. These measures will require to be translated into a formal schedule of building and construction works, the terms of which will need to be confirmed by legal agreement before the grant of outline planning permission.

5.2.5.27 Given the above, it is therefore considered that the STRAT6 masterplan requirement regarding the provision of retail and community facilities will be satisfied.

- 5.2.5.28 **A comprehensive scheme of traffic management and public transport plan to encourage use of a variety of modes of transport.**
- 5.2.5.29 The applicants submitted a Transport Assessment in support of the application proposals This development meets a number of important current transport planning criteria by:
- Reducing the need to travel, by incorporating residential and employment land uses within the development site,
 - Facilitating movement by public transport, by subsidising bus service provision in the early phases of development,
 - Including interchange facilities between modes, by providing a Transport Interchange facility, incorporating a park and ride facility for 200 cars allowing convenient interchange between private car, bus and rail; and
 - Providing high quality public transport by way of a financial contribution towards a proposed rail halt and subsidising a bus service to the site; so as the development will encourage modal shift away from car use to more sustainable forms of transport.
- 5.2.5.30 The developers have agreed to make a financial contribution, for a maximum period of 10 years, to assist in the provision of a commercial bus service into the development. It is understood that an initial agreement has been reached with a national bus operator in this respect. Such an agreement will require to be formalised prior to the grant of outline planning permission.
- 5.2.5.31 There are 2 existing bridges over the railway and an underpass which can be used to promote pedestrian access over/under the railway. The Comprehensive Masterplan integrates these crossings within the proposals for Corton, Alton and Cockhill/Glenparks in order to promote movement between and to important focal points within the site such as the school, the commercial centre and the business park.
- 5.2.5.32 Vehicular access between the two sides of the railway is provided by Corton Road. As the bridge over the railway is relatively narrow, it is the intention to install traffic lights for the control of vehicles to ensure safe passage for road users.
- 5.2.5.33 **The provision of a rail halt and line extension to provide a passenger rail service to the whole of the development area.**
- 5.2.5.34 The applicants have identified a site for a new railway halt in the Masterplan. Whereas the applicants will not be responsible for procuring the rail halt, they have indicated they will make a financial contribution to the provision of a halt facility.
- 5.2.5.35 The comments of both Network Rail and Transport Scotland regarding the provision of a rail halt and service are noted. Notwithstanding their positions, this element of public transport provision was an integral part of the consideration in bringing forward South-East Ayr as a sustainable growth area of Ayr. In this respect, it is considered appropriate at this juncture to secure the future possible delivery of a rail service by seeking developer contributions towards a rail halt and safeguarding the availability of land required.
- 5.2.5.36 Whereas, it is disappointing that the provision of a rail service cannot be delivered at this point in time, I am satisfied through legal agreement that its potential delivery can be secured.
- 5.2.5.37 **Safe and adequate links across the A77 trunk road for pedestrians and cyclists.**
- 5.2.5.38 The applicants are proposing to provide two new bridges over the A77; one between the Alton phase and Kincaidston; and one in the initial phase at Corton, providing access to Laigh Glengall. Both bridges will encourage free movement over the A77 to allow access between communities on both sides of the A77; and ready access to facilities at South-East Ayr.
- 5.2.5.39 The bridge at Corton will link into the green corridor of the Slaphouse Burn which continues into the green space network at Rozelle and Belleisle. The bridge, in addition to pedestrians, will also accommodate cyclists and horse riders. The applicants have indicated that they are able to facilitate the delivery of the landing areas for the Corton bridge on both sides of the A77 and that Transport Scotland have ownership on both sides of the A77 at Alton and Kincaidston.

5.2.5.40 I am therefore satisfied that this aspect of policy STRAT6 has been met and can be secured by means of the conditions recommended for this planning application.

5.2.5.41 A comprehensive inventory of the infrastructure consequences of development.

5.2.5.42 The consideration of the infrastructure consequences from the development are set out in this report. This report, together with the document entitled „Development Framework“ (particularly Figure 6), provide for a comprehensive inventory of the infrastructure consequences of development. With regard to the provision of utilities (gas/electricity/water and drainage) the applicants have agreed that these will be provided by the developers for the site. Regarding transportation and education impacts this matter is dealt with elsewhere in this report.

5.2.5.43 The principles of layout and building design.

5.2.5.44 The South-East Ayr Development Framework outlines that the evolution of this scale of development, over a lengthy duration, needs to be able to respond to changing circumstances; both in terms of market demand and regulatory standards. The applicants, however, accept that the principles of layout and design underpinning the Comprehensive Masterplan need to be ensured; and to achieve that end, the use of Development Briefs shall guide more detailed design work for each of the principal phases of development. Development Briefs will then inform subsequent submission of applications for detailed matters. It is expected that each application made will have regard to these same Development Briefs. This approach ensures that agreed design principles are embedded in the ongoing design process from the outset.

5.2.5.45 The Comprehensive Masterplan seeks to create „place making“ by means of developing a series of built environments of varying character within a framework of landscape and open space, structural planting, massing of buildings, circulation, car parking and other matters such as materials. Sustainable transport services are proposed and most housing should be within 400m of a bus stop. Housing and other land uses in Corton and Alton are within accessible distance of the proposed rail halt, as are substantial areas of Ayr at Kincaidston and Laigh Glengall.

5.2.5.46 A Development and Design Brief has been lodged as part of this application for the Corton Phase. In short, it outlines a vision for Corton, setting out open space provision, details on housing density, housing tenure and housing type; and guidance on garden size and distances between dwellings. It demonstrates key features and character areas, storey/building height, an open space framework, residential density and the phasing of residential areas.

5.2.5.47 I am satisfied that the principles of layout and building design have been addressed in both the Comprehensive Masterplan and the Corton Development and Design Brief and as such this aspect of policy STRAT6 has been met.

5.3. Consultations Received

5.3.1 A number of consultees have raised issues/matters regarding the application proposals. These have summarised above and are considered further and commented upon, as follows:

5.3.2 The Council's Building Standards (Engineers)

5.3.2.1 As the Flood Prevention Authority for South Ayrshire Council, the Public Safety Engineer has considered the Flood Risk Assessment, as submitted by the applicants engineers, as well as the advice and conditions recommended by the Scottish Environment Protection Agency. It is recommended that the application proposals are considered acceptable, subject to conditions including those recommended by SEPA.

5.3.3 The Council's Children and Community Directorate

5.3.3.1 An assessment has been undertaken by the Council's education service of the educational implications arising from the proposed development at South-East Ayr. The development will require a new primary school to be constructed within the Corton phase and the provision at St John's Primary and a local secondary school to be supplemented. This will require the applicant's to enter into an agreement with the Council, prior to any consent being issued, so as to secure financial contributions towards meeting the cost of the above. This is likely to take the form of a tariff to be levied on each house and to be payable to the Council on an annual basis.

5.3.4 **The Council's Environmental Health Department**

5.3.4.1 The initial concerns of the Council's Environmental Health Service regarding noise, contaminated land and vibration have been considered and responded to by the applicants' agent. Environmental Health is satisfied that matters regarding potential contamination are no longer of concern; and that potential noise and vibration issues that may arise can be appropriately addressed by attaching conditions to any grant of outline planning permission.

5.3.5 **The Council's Housing Service (Housing, Policy and Strategy)**

5.3.5.1 It is anticipated that application site at South-East Ayr may be included within the next Strategic Housing Investment Plan. This will then provide the mechanism for delivering funding and nominating a Registered Social Landlord for the Corton phase of the proposed development. Notwithstanding this method of delivery for affordable housing within the site, it is recommended that the applicants enter a legal agreement, prior to the granting of outline planning permission, so as to secure a scheme of affordable housing in compliance with policy H13 of the adopted South Ayrshire Local Plan and the Council's Supplementary Planning Guidance on affordable housing.

5.3.6 **The Council's Landscape Section**

5.3.6.1 The applicants' have submitted an assessment of landscape and open space provision for the Council's consideration. This has been considered by the Council's Landscape Officer who concludes that the open space provision associated with the application proposals is acceptable.

5.3.6.2 The applicant also submitted a „Statement of Intent – Open Space Maintenance“ which sets out the intentions for the maintenance of open space and landscaping. The document identifies a suggested regime for maintenance for each phase of the proposed development; which indicates open space/structural landscaping and woodland being transferred to a third party who would take on the responsibility for maintenance. The detail of these areas shall be confirmed at the formal detailed application stage and implemented through a Greenspace Management Plan. Sustainable Urban Drainage ponds and associated infrastructure would be transferred for Scottish Water and the applicants expect the Council to assume responsibility for roadside verges, the community sports/active recreation area and the school grounds. The proposed neighbour centre and business park within the Corton phase would have their own factoring arrangements for common parts; as would localised landscaping associated with individual parcels of residential development.

5.3.6.3. In so far as the advice of the Council's external landscape consultants are concerned, the submitted Masterplan has indicated an area for potential exclusion from development, within the Alton phase. It is expected that that area of land as identified within the Masterplan shall not be brought forward for the development of housing.

5.3.7 **The Council's Sustainable Development Team**

5.3.7.1 It is recommended that any requirement for a Landscape and Habitat Plan be included as a condition of planning permission.

5.3.7.2 The Government's, Scottish Planning Policy No.6 „Renewable Energy“, sets out the expectation that all future applications proposing development with a total cumulative floor space of 500 sq metres or more should incorporate on-site zero and low carbon equipment contributing to at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard.

5.3.7.3 The applicants have submitted both a Sustainability Report and Study of Low and Zero Carbon Technologies in support of their application; the latter of which proposes suggested solutions to achieve this target. It is suggested that the details of achieving this target for each phase can be appropriately conditioned as part of any planning permission the Council may be minded to grant.

5.3.8 **The Council's Traffic and Transportation Section**

5.3.8.1 A Transport Assessment has been lodged and considered in the process of assessing the application proposals at South-East Ayr. The impact of the development on the local roads network has been appropriately assessed by the Council's roads engineers and subject to the conditions as set out below, (which include works so as to mitigate impacts on the local network out with the site), it is considered that the application proposals are acceptable.

5.3.9 **The Council's Waste Management Service**

5.3.9.1 The matters arising from the Waste Management Service can be included as a condition to any grant of outline planning permission.

5.3.10 **Architectural Heritage Society**

5.3.10.1 The concerns of the Architectural Heritage Society are noted. The principle of developing this green field site has been considered and is set out within the „Development Plan“ section of this report. The infrastructural implications of the proposed development have also been considered and which is also considered further within this report.

5.3.11 **Network Rail**

5.3.11.1 The comments of Network Rail are noted and have been conveyed to the applicants. It is important at this juncture, however, that the possibility of the provision of a rail service to the new development continues to be considered; and for that reason the land for a new halt facility and a financial contribution to deliver the necessary works are preserved. A legal agreement to this effect should be concluded prior to the granting of planning permission.

5.3.12 **Scottish Government Housing and Regeneration Directorate**

5.3.12.1 The comments of the Scottish Government Housing and Regeneration Directorate are noted. The matters arising have been addressed within this report.

5.3.13 **Glasgow Prestwick Airport**

5.3.13.1 The impact of the proposed development on Glasgow Prestwick Airport can be considered at the stage of each formal detailed application.

5.3.14 **Scottish Environment Protection Agency**

5.3.14.1 The applicants have submitted a Flood Risk Assessment for the site and subject to the conditions set out below, it is considered that the application is acceptable.

5.3.15 **Scottish Water**

5.3.15.1 Subject to the conditions set out below, it is considered that the application is acceptable.

5.3.16 **Scottish Wildlife Trust**

5.3.16.1 The matters concerning mitigation measures regarding farmland birds can be addressed within the Landscape and Habitat Management Plan to be submitted for approval; and as required as a condition to any grant of planning permission.

5.3.17 **Strathclyde Passenger Transport**

5.3.17.1 The applicants have agreed, for a period of 10 years, to fund the provision of a bus service for the site. This will form the subject of legal agreement to be concluded prior to the grant of planning permission.

5.3.18 **West of Scotland Archaeology Service**

- 5.3.18.1 The advice of the Archaeology Service is noted. Their response has been considered and responded to by the applicant's agent; who has expressed an unwillingness to enter into a S75 Agreement and alternatively request that archaeological matters be addressed by condition. The advice of the Archaeological Service recommends that archaeological matters can alternatively be addressed by condition. Any such a condition should require an archaeological mitigation strategy to be submitted for the prior approval of the Planning Authority; and thereafter all significant archaeological remains to be preserved in situ and that any necessary recording and recovery of archaeological resources is undertaken. This may introduce significant delays into the developer's timetable and the developer must understand the risk that there could be sizeable and unexpected delays or redesigns that may be required through dealing with archaeological issues in this manner.
- 5.3.18.2 On the basis that the risks to the applicants", as expressed above, has clearly been set out; it is accepted that the matter can be addressed as a condition to any grant of planning permission; and expressed in the terms as set out by the Council's archaeological advisors.

5.3.19 **Transport Scotland**

- 5.3.19.1 It is acknowledged that the development of South-East Ayr will have impacts on the A77 trunk road and that mitigation of these impacts will need to be implemented in a phased manner to allow development to proceed. Transport Scotland has therefore set out conditions, which should be attached to any grant of planning permission, requiring upgrades to the A77 within the immediate vicinity of the site. In addition, they have indicated the need for the developers to enter into legal agreements, so as to facilitate the making of financial contributions to assist in the funding of other upgrades required to the wider network within the Ayr Corridor. On completion of these legal agreements the Council would then be in a position to grant planning permission. These arrangements have been discussed with the consortium and they have indicated their agreement to the proposed conditions and the terms for entering into legal agreements.

5.3.20 **Scottish Natural Heritage**

- 5.3.20.1 The matters arising from the consultation with Scottish Natural Heritage can be addressed through planning conditions to any permission the Council may be minded to grant.

5.3.21 **East Ayrshire Council**

- 5.3.21.1 The planning application is considered to accord with the housing strategy of the development plan. Being adopted in 2007, the South Ayrshire Local Plan provides for an effective five year housing land supply i.e. up to the year 2012. However, in order to ensure continuity in land supply, the South Ayrshire Local Plan also ensures that there is an ongoing land supply beyond 2012, in the event that there is not an up to date local plan in place prior to that time. Indeed this eventuality was one of the main reasons why this development proposal was identified in the Local Plan. Furthermore, the approved Ayrshire Joint Structure Plan also seeks to ensure that there is a continuity of land supply. Whilst the grant of planning permission of the development proposal could provide for a land supply beyond that necessary in the immediate five year period, it is necessary to ensure a rolling land supply.

5.4. Representations Received

- 5.4.1 A number of letters outlining objection to the application proposals have been received and the concerns are summarised in section 3 of this report, above.
- 5.4.2 The matters arising are commented upon, in similar order as the objections set out in section 3 above, as follows:
- a. The application proposals and the objector's concerns have been considered by the Council's Transportation section. The Council's roads engineers do not recommend that planning permission be refused on road safety grounds, subject a number of relevant conditions.
 - b. Access to Cockhill Woods is available to the public; whether on foot, cycle or horseback. It would not be appropriate to restrict access to the Woods in favour of any one type of user. It is for each person accessing the Wood to consider their responsibility to the health and safety of others.
 - c. The principle of the site at South-East Ayr being released for development has of course already been acknowledged in both the approved Structure Plan and the adopted South Ayrshire Local Plan. The concerns of the objector are noted in relation to the potential impact of the proposals on the existing equestrian business; and it is necessary to consider the impact of the resultant development on neighbouring land uses. In relation to the existing equestrian business at Cockhill, the proposed neighbouring land-uses in the Masterplan are identified as being residential. It is considered that negative impacts from neighbouring residential development should not be significant. The impact of traffic on the business has been addressed above; as are issues concerning walkers and cyclists.
 - d. Similarly, it is not considered that the proposed residential development neighbouring the Carrick Glen Hospital will result in a significant adverse impact on the amenity or operation of the hospital. Cockhill Woods has not been identified within the Masterplan for development. Any proposals to develop the wood would in any event require the benefit of planning permission. The information submitted with the application also indicates the intention of the applicants to provide on-going maintenance of the wood. In these circumstances, it is not considered that a Section 75 Agreement as suggested by the objectors is required.
 - e. Contrary to the objector's submission, Glenparks Cottages are excluded from the planning application site.
 - f. The applicants have indicated that the access to and from the A713 to Glenparks Cottages will be retained.
 - g. The applicants have submitted information relating to the drainage of the application site in relation to surface water and the proposal is that surface will be attenuated within a scheme of Sustainable Urban Drainage. This has been considered by the Scottish Environment Protection Agency and the Council's own civil engineer; who raise no objection to the planning application. As the application is made in outline, it is not possible to comment on site specific proposals which will be fully considered in determining any further applications. Matters pertaining to the future design of surface water drainage have been included within conditions 51 to 56, below.
 - h. The detailed layout of housing has not yet been submitted for consideration. This would be submitted following any grant of outline planning permission and the objector would have an opportunity at that time to consider the proposals in detail. The site specific impact of the development on Glenparks Cottages, in relation to residential amenity, would be assessed at that juncture.

- i. The Council's roads engineers have considered the application proposals and submitted documentation. Subject to necessary intervention, by way of upgrades to the local road network, the Council's roads engineers do not recommend that planning permission be refused; subject to a number of relevant conditions, as specified below. Similarly, Transport Scotland has specified, by the way of recommended conditions to any grant of planning permission, that works to the A77 trunk be implemented at specific stages of development. Furthermore, Transport Scotland requires the applicants to enter into legal agreements so that financial contributions to fund necessary upgrades to the trunk road network are made at specific thresholds of development. In this way, it is expected that any traffic congestion arising from the proposed development is mitigated by improvements to the road network.
- j. As stated above, measures can be put in place; by both planning conditions and legal agreement, so as to ensure that the necessary upgrades to the road network are put in place. Transport Scotland and the Council's roads engineers do not recommend that planning permission be refused.
- k. The application has been considered by the Council's roads engineers, who raise no objection to the application. The planning application has been submitted in outline and the off road parking requirements for each phase and specific land use can be considered in more detail as formal applications are submitted.
- l. The application site has been included within the Council's adopted Local Plan under the provisions of policy STRAT6. The Masterplan has developed as an iterative process with Council, stakeholder and public engagement, as outlined above. Accordingly, it is expected that the character of the area will change.
- m. The application proposals have been the subject of a Transport Assessment, which has been considered by both Transport Scotland and the Council's own roads engineers. In addition, the Council commissioned the Ayr Corridor Study to assess the implications of strategic housing sites on the A77 within the Ayr Corridor. Transport Scotland requires the Bankfield Roundabout to be appropriately upgraded by the 501st house within the Corton phase. Furthermore, the Council's roads engineers require the applicant to dual carriageway a section of the A713 between Bankfield roundabout and the proposed site access serving the Alton development, prior to the occupation of the Alton development. The applicant is also required to provide a new roundabout junction to serve the Alton development, prior to the occupation of the Alton development; and provide an upgraded junction at Ayr Hospital prior to the occupation of the Cockhill/Glenparks development. Finally, the applicant is required to provide a new roundabout junction to serve the Cockhill / Glenparks development to the satisfaction of Roads Authority, prior to the occupation of the Cockhill/Glenparks phase of development. The applicants' submitted Comprehensive Masterplan, therefore acknowledges the need for the access to Ayr Hospital to be upgraded and this will be implemented at the appropriate time within the development. Subject to the implementation of the abovementioned improvements, it is considered that the concerns of the objector in this regard can be appropriately overcome. Accordingly, it is further considered that with these planning conditions in place there would be no requirement for the Section 75 Agreement, as suggested by the NHS.
- n. Any increase in traffic flows as a result of possible future development within the hospital will need to be considered as an integral part of the assessment of any planning application made at that time. The mitigation of any impacts on the public road network should be assessed as a part of that process.
- o. As applications for any housing within the vicinity of the hospital come forward, the NHS will have the opportunity to submit representation for consideration regarding the impact of that same housing on the special health needs of patients.
- p. The applicant has submitted an Environmental Statement with their planning application. It concludes that there is potential for noise and dust from the construction operations to affect the hospital estates and the buildings retained within the site boundary. The applicants have indicated that in order to mitigate these impacts they propose to put in place management plans so that any loss of amenity is minimised; and that such plans include provisions for monitoring.

5.5 Government Guidance and other Planning Policy Considerations

- 5.5.1 There are a number of Scottish Planning Policy and Planning Advice Notes that are relevant to the consideration of this application. All of the relevant provisions have been considered in the assessment of this planning application, as indeed many were in the local plan process that culminated in the identification of this site in the adopted South Ayrshire Local Plan. In the interests of brevity, a full assessment against these provisions has not been set out in this report. However, considerations relating to the most directly relevant provisions, is summarised as follows:
- 5.5.2 The Scottish Planning Policy (SPP) and National Planning Policy Guidance (NPPG) series' are presently being consolidated into one document by the Scottish Government. The subject policies, currently set out in SPPs and NPPGs, will remain in force until replaced by the consolidated SPP later in 2009. When published in its final form, the new SPP will have three parts: Part One - The purpose of planning and core principles for the system's operation, Part Two - The objectives for development planning, development management and enforcement, and Part Three - Subject policies.
- 5.5.2.1 Parts One and Two were published as Scottish Planning Policy (SPP) on 28 October 2008, superseding SPP1 The Planning System (2002). The remaining sections of the consolidated SPP were published on 1 April 2009; the consultation period for which ended on 24 June 2009.
- 5.5.2.2 *Scottish Planning Policy* (SPP) sets out the purpose of the planning system and its core principles; and sets the scene for planning policy within Scotland. The Council is confident that all of these issues have been considered in the assessment of this application.
- 5.5.2.3 Whilst in draft, Part Three indicates that prime quality agricultural land is a finite national resource and considers that development on such land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development, where no other suitable site is available. The settlement strategy for South Ayrshire has been defined by the adopted of the South Ayrshire Local Plan. The Local Plan, through policy STRAT6, together with the provisions of the approved Ayrshire Joint Structure Plan, brings forward the application site at South East Ayr as a longer term strategic growth area. I am satisfied that the release of the application site, in these circumstances, meets with the provisions of the draft SPP.
- 5.5.3 SPP3: *Planning for Housing* is relevant. This document provides the general principles which should be applied when seeking to provide quality residential developments, guiding new housing developments to the right places and delivering housing land. Each of these issues is important when considered in the context of the proposed development. The selection of the site at South-East Ayr for longer term housing land release has been the subject of scrutiny through the adoption of the South Ayrshire Local Plan and was confirmed by the recent approval of the Ayrshire Joint Structure Plan. The applicants" have engaged with key stakeholders in bringing forward a Comprehensive Masterplan for the site, with the objective of creating a sustainable expansion of Ayr.
- 5.5.4 SPP8: *Town Centres and Retailing* is also considered relevant. SPP8 requires an impact analysis to be undertaken in support of applications for retail and leisure development over 2,500 sq m gross floor space, out with a defined town centre and which are not in accordance with the development plan. Notwithstanding that the provisions of policy STRAT6 requires the identification of land for shops and community facilities within a comprehensive master plan for the site, the application proposes a food store of 2000 sq. m. and a parade of 5 shops each of 200 sq. m. in size. Given the form and size of development proposed, it is considered that the application proposals are in accordance with the provisions of SPP8.

- 5.5.5 SPP23: *Planning and the Historic Environment* requires consideration. West of Scotland Archaeology Service has been consulted on this application and their comments are as noted above. SPP 23 states that it is Government policy to protect and preserve non-designated, other historic environment interests in situ, wherever feasible and, as such, they are material considerations in the planning process. Where, in the case of archaeological sites, this proves impossible, planning authorities should ensure that procedures are in place in order that appropriate excavation, recording, analysis, publication and archiving is undertaken before and/or during development. On the advice of the West of Scotland Archaeology Service, an investigation into potential archaeological remains will therefore require to be undertaken by the developers prior to the commencement of any work and this will be ensured through a planning condition.
- 5.5.6 Given the scale of the proposed development, it is necessary to consider the issue of flooding. This is covered at national level by SPP7: *Planning and Flooding*. Scottish Water, SEPA and the Council's Building Standards Engineer have all been consulted on this application and their comments are summarised above. In summary, the above stakeholders consider that a sustainable urban drainage system should be employed in this instance. This has been agreed with the applicants who intend to install detention basins.
- 5.5.7 The proposed development will comprise of a number of areas of open space. SPP11: *Open Space and Physical Activity* sets out a number of objectives in relation to open space. In the context of this application, SPP11 provides guidance on the quality and accessibility of open space within new developments. It should be noted that the Council, as Planning Authority, is satisfied that the applicants' have met the Council's minimum open space requirements for the proposed development, as detailed in Planning Policy Note No.4 "The Provision of Private and Public Open Space and Play Areas within New Residential Areas". A planning condition can be attached to any planning permission to require the applicants to maintain open space and landscaped areas by means of a factoring arrangement.
- 5.5.8 NPPG14: *Natural Heritage* provides guidance in relation to the protection and enhancement of features of the natural environment. Moreover, SNH and SWT have been consulted on this application and their comments have been summarised, within this report. Through consultation with SNH and SWT, I am satisfied that all features of natural heritage value have been satisfactorily identified and appropriate measures can be taken to ensure their protection and enhancement through planning conditions.
- 5.5.9 SPP17: *Planning for Transport* provides guidance on transportation issues. The applicants' have submitted a Transportation Assessment, which has been fully considered by the Council's Roads and Transportation Section. Furthermore, Transport Scotland has been consulted regarding the site's proximity to the trunk road and the potential impact of the proposed development on the road network. Issues arising from those consultations can be addressed either by conditions or by legal agreements.
- 5.5.10 SPP20: sets out the role of Architecture and Design Scotland (A+DS) in the planning application process. Whereas the applicants presented the proposal to the A+DS design review panel, A+DS have chosen not to submit comment on the planning application.
- 5.5.11 There are a number of Planning Advice Notes (PAN's), which have been considered in assessing this application. There are, however, two PAN's in particular which are considered to be of particular relevance to the assessment of the proposed development.
- 5.5.12 PAN76: *New Residential Streets* provides advice on the design of better quality residential streets. It focuses on some of the key factors, which are considered to create successful street design. I am satisfied that many of the principles highlighted within PAN 76 regarding place making have been included within both the Comprehensive Masterplan and the Corton Development and Design Brief. These principles will also be established within the proposed development through planning conditions that seek the creation of a sense of place, distinctiveness and ensuring that the development is accessible.
- 5.5.13 PAN61: *Planning and Sustainable Urban Drainage Systems* provides advice in relation to Sustainable Urban Drainage Systems (SUDS) within new developments. The applicants' have indicated that the site will be drained utilising a Sustainable Urban Drainage Systems. Scottish Water, SEPA and the Council's Building Standards Engineer have been consulted with regarding SUDS and their comments have been summarised in this report.

5.5.14 Circular 12/96 „Town & Country Planning (Scotland) Act 1972: Planning Agreements“ sets out the government’s policy on planning agreements and provides a legislative background to its provisions. It states that planning agreements have a limited but useful role to play in the development management process but should only be sought where they are required to make a proposal acceptable in land use planning terms. It also states that planning agreements should not be used as an opportunity to obtain a benefit which is unrelated in nature, scale or kind to the development proposed and all agreements should meet the following criteria;

- i) should serve a planning purpose;
- ii) must relate to the development being proposed;
- iii) should be related in scale and kind. In other words the benefit should be consistent with the scale of the proposed development; and
- iv) should be subject to the test of reasonableness.

I consider that the matters to which I have recommended planning agreements fall within the limits of the above requirements and accord with the terms of the circular.

5.6. Impact on the Locality

5.6.1 The application has been the subject of various assessments; including Transport and Environmental Assessments, amongst others. Each of these studies has made an assessment of the impact of the development on the locality and the measures required to appropriately mitigate unacceptable impacts which may arise from the proposed development; both on the site, its locality and the wider area. The Environmental Assessment has been the subject of consultation with relevant bodies as required by the Environmental Impact Assessment (Scotland) Regulations 1999; and their responses have been summarised under „Consultations“, above; and appropriate recommendations for conditions, included within the „Recommendation“, below.

5.6.2 The applicants have set out to provide for appropriate „place-making“ within the proposed development and their aspirations are set out in the Corton Development and Design Brief. It is considered that this Brief provides an appropriate template for bringing forward detailed proposals for Corton; and that design briefs should be developed and approved by the Council, so as to similarly inform formal submission for detailed planning approval for later phases at Alton and Cockhill.

5.6.3 Subject to the conditions, as set out below, it is considered that the development at South-East Ayr will deliver a sustainable and attractive environment, with impacts on the locality being identified and appropriately managed.

6. Conclusions

- 6.1 The provisions of the South Ayrshire Local Plan through policy STRAT6 operate to establish the principle of development at South-East Ayr. Policy STRAT6 details eight considerations that require to be met through a masterplan, to fulfil the requirements of the policy. Giving full consideration to all relevant matters, I am of the view that, with the recommended planning conditions and subject to legal agreements in place, the provisions of policy STRAT6, (with the exception of a rail service), have been met. With regards to the provision of a rail service, the comments of both Network Rail and Transport Scotland are noted. It is hoped that in time the delivery of a rail service can be achieved and so as not to preclude this happening it is considered prudent at this juncture to ensure that measures to secure land and financial contributions are put in place.
- 6.2 Taking the above and all the views of representations and consultations into account, I consider that the proposals meet with policy STRAT6 of the SALP and accord with the approved structure plan. Furthermore, I consider that there are no material reasons why the provisions of the development plan should be set aside.
- 6.3 This report has also referred to relevant structure plan and government planning policies that require Councils to maintain a five year effective housing land supply at all times. I consider that the timely development of this site will make a significant and essential contribution to the housing land supply for South Ayrshire. The provision of sufficient housing land supply to meet the needs of South Ayrshire is a core objective of the Local Plan and the Council's Local Housing Strategy. Moreover, provision of land for affordable housing units represents a very significant addition to the land supply to contribute to meeting the affordable housing needs of the area. The development of South-East Ayr also represents a significant economic investment to South Ayrshire and will provide a substantial positive gain for the economy for the area.
- 6.4 In all other respects, I consider that the proposals, subject to the various planning conditions and legal agreements, if granted planning permission would provide for a high quality, accessible and inclusive residential environment. I consider that these planning conditions and planning agreement are appropriate and will suitably mitigate impacts arising from the development. Circular 12/96 sets out the limitations for the scale and type of mitigation and community benefits that can be sought through planning agreements. I have fully considered the limits of Circular 12/96 in recommending the legal agreements set out in this report.
- 6.5 The Scottish Government has recently issued a new Direction governing the notification of applications to Scottish Ministers; (Town and Country Planning (Notification of Applications) (Scotland) Direction 2009). The Direction sets out the circumstances whereby a Planning Authority cannot issue planning permission without first notifying Scottish Ministers of its intention. It is not considered that the application for mixed development at South East Ayr falls within the classes of development requiring any intention to approve permission to be notified. Whereas the Council has an interest in the planning application, as a part owner of the site; development which is to be located on land wholly or partly in the planning authority's ownership only requires to be notified to the Scottish Ministers in circumstances where the proposed development would be significantly contrary to the development plan for the area. The provisions of the development plan, as they relate to this application, are clearly set out in this report. Accordingly, it is not considered that the application is significantly contrary to the development plan and therefore I am satisfied that the application does not require to be notified to Scottish Ministers in this respect. Equally, a government agency has not objected to the application and where they have recommended conditions be attached to any grant of planning permission these have been appropriately included within the recommendation, below. In this regard, if the Council is minded to grant outline planning permission and intends to attach the conditions as recommended by those agencies representing the Scottish Ministers, there is no requirement to notify its intention to approve planning permission to the Scottish Ministers.

7. Recommendation

- 7.1. It is recommended that delegated powers be granted to approve this outline planning application, subject to the applicant first concluding appropriate legal agreements, in the terms as set out in this report. Given that elements of these agreements directly address consequences of development that are attributable to functions of the Council, out with both the executive control of the Development and Environment Directorate and the remit of the Regulatory Panel, it may be necessary that any such agreements are first referred to the Leadership Panel.
- 7.2. The following elements will form part of any section 56, section 75, other legal agreement or financial contributions for this site, so as to provide:-
- the submission of a scheme for the provision of affordable housing to be approved and implemented, in compliance with the Council's affordable housing policy;
 - the transfer of serviced land to the Council's Education, Children and Community Account, (including appropriate earthworks carried out by the developer to ensure that the site is suitable for the building of a school within the application site), for the provision of a primary school including nursery school; together with financial contributions as a tariff towards all nursery, primary and secondary educational provision, including those community facilities to be provided within those same educational establishments, as a consequence of the development;
 - the making of financial contributions to Transport Scotland, towards improvements to the A77 Trunk Road;
 - a financial contribution to the Council by means of a tariff to finance a new Rail Halt facility within the application site, together with the transfer of any land to Network Rail that may be required to facilitate the same;
 - the provision and transfer to the Council of sports pitches and associated changing facilities;
 - the provision of a commercial bus service servicing the application site;
 - the provision of serviced land for a Business Park.
- 7.3. On the above agreements being satisfactorily concluded, it is recommended that planning permission be granted subject to the following conditions:

Duration of Permission

- 1 That formal application/s for the siting, design and external appearance of and the means of access to the proposed development is/are submitted to and approved by the Council, before the commencement of development. The first application must be made not later than 3 years from the date of this permission and the proposed development must commence within a) 5 years from the date of this permission or b) 2 years from the date of the approval of the formal application whichever is the later to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

Approval of Uses

- 2 That the development hereby approved shall be implemented in accordance with the plan(s) stamped approved as follows: - Drawing No. 0710/008 Geddes Consulting, the Comprehensive Masterplan - Masterplan Principles for South East Ayr Drawing. No. SK 15 Rev G and the Corton Development and Design Brief (Final Issue – January 2009); as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

3 Approval is given in principle for the indicative layout, land uses and urban form as set out within the Comprehensive Masterplan for South East Ayr, as shown on Drwg No SK15 RevG. The scale of development approved in this planning permission is as follows:

(i) Residential

The total number of residential units to be developed throughout the entire site shall indicatively comprise 2,700 housing units.

(ii) Neighbourhood Centre

Overall, the Neighbourhood Centre to serve the whole development shall be located in the Corton Phase and shall extend to an area of no more than 4.0ha and may contain the following land uses:

- a) Shops, as defined by Class 1 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997 but not exceeding 2000m² gross in terms of a supermarket and not exceeding 200m² each for 5 smaller retail units;
- b) Financial, professional and other services as defined by Class 2 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997;
- c) Hot food take aways;
- d) Public House;
- e) Food and drink uses as defined by Class 3 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997;
- f) Hotel as defined by Class 7 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997;
- g) Cultural uses as defined by Class 10 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997; and
- h) Commercial uses as defined by Class 11 of the Schedule to the Town and Country Planning (Uses Classes) (Scotland) Order 1997.

A formal application for the approval of the neighbourhood centre shall include details of unit sizes, mix, orientation, design treatment, parking and access arrangements, in a manner that meets with the design aspirations outlined in the Corton Development and Design Brief on Diagrams 5.9 Rev A and 5.9.6 Rev A and Section 5.11.6.

The scale of retail floorspace cannot exceed that outlined above. The proposed supermarket operator will not be permitted to open the store until the distributor road to the entrance of the park and ride facility as shown on the Masterplan for the Corton Phase is built and suitable for use by public traffic and the 100th house is completed.

(iii) Business Park

The proposed Business Park shall be accommodated on 10 hectares of land as shown in drawing SK-15 RevG unless otherwise agreed by the Planning Authority.

(iv) Primary School

Permission is hereby granted for the educational and community facilities as defined in the Corton Development and Design Brief.

Programme of Development

- 4 The first phase of development will be the land identified at the Corton phase followed by the Alton phase, then the Cockhill/Glenparks phase and within each phase, programming will be determined by a detailed Phasing Plan which will be submitted at the first formal application for each phase, or as otherwise agreed by the Council. When a phase is referred to throughout this planning permission, it will mean one or more of the phases at Corton, Alton or Cockhill/Glenparks. The Phasing Plan will detail the exact sequences of development for each proposed land use, the provision of infrastructure, landscaping and open space.

Development Principles Applicable in Each Phase

- 5 The first formal application for each phase shall be accompanied or preceded by the submission of a Development and Design Brief, which shall be approved in writing by the Planning Authority. Each brief will accord with the indicative layout set out in the Comprehensive Masterplan for South East Ayr as shown in Drawing No SK-15 Rev G, unless otherwise agreed by the Planning Authority and include the following matters:
- a) the layout of each phase including all roads, bridges, footways, cycleways and car and cycle parking, bus routes and stops, road layouts and alignments, and servicing areas;
 - b) the location of parks and other public open spaces;
 - c) the identification of individual development parcels for the agreed land uses, showing the orientation of buildings; and, identifying focal buildings etc.
 - d) the final standoff distance to be applied in any phase from the gas pipelines shall meet with the approval of the Health and Safety Executive.
 - e) the movement strategy for pedestrians and cycles through the site.
 - f) the re-grading of any land to accommodate the development. (Any proposals for re-grading shall reflect the natural topography of the area).
 - g) the key considerations, as set out in the Corton Development and Design Brief.

The proposals in the three Development and Design Briefs shall show how the proposals comply with the approved Comprehensive Masterplan, including any necessary updates to the Environmental Statement and Transport Assessment (as addendums), if the proposals have changed materially.

Formal Applications

- 6 All formal applications shall be in accordance with the proposals as set out in the Comprehensive Masterplan for South East Ayr and the Development and Design Brief for the relevant phase 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 each Development and Design Brief at that time or before. Unless otherwise approved by the Planning Authority, all development shall generally follow the topography of the site.

Transport

- 7 Prior to the occupation of any of the proposed development, infrastructure modifications to the A77 Maybole Road Junction as generally indicated in the Dougall Baillie Associates drawing number Diagram 7.5 (of the March 2007 Transportation Assessment) shall be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland.
- 8 Prior to the commencement of the 501st dwelling infrastructure modifications to the A77 Bankfield Roundabout as generally indicated in Jacobs drawing number B1944900/L/DS/1/05 shall be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland.
- 9 Prior to the occupation of any of the proposed development an overbridge linking the Corton site to the west side of the A77 shall be constructed in accordance with a design to be agreed with the Planning Authority in conjunction with Transport Scotland.

- 10 Prior to the commencement of either the Cockhill or Alton sites an overbridge linking the site to the west side of the A77 shall be constructed in accordance with a design to be agreed with the Planning Authority in conjunction with Transport Scotland.
- 11 Prior to the occupation of the first property the applicant shall have agreed with the Planning Authority, in consultation with Transport Scotland, a public transport strategy for access to/from and within the site with agreed timetables for its implementation.
- 12 Prior to the occupation of any of the proposed development a Travel Plan, aimed at promoting sustainable travel modes and reducing the reliance on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland. In particular the travel plan will identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan.
- 13 Details of all lighting and advertising features within the site within 67 metres of the trunk road shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland.
- 14 Prior to the commencement of any development a barrier/boundary feature of a type approved by the Planning Authority, after consultation with Transport Scotland, shall be provided and maintained along the proposed boundary of the site with the trunk road.
- 15 The Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. Prior to the opening of any new or altered road infrastructure, unless an alternative time period is approved, a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority.
- 16 The applicant shall provide a 140 vehicle Park & Ride facility prior to the occupation of the first house in the Corton development and a 60 vehicle Park and Ride facility prior to the occupation of the first house in the Alton phase; to the satisfaction of the Planning & Roads Authority.
- 17 The applicant shall provide bus service infrastructure within the site boundaries to the satisfaction of the Council as Roads Authority.
- 18 That before the occupation of any commercial, retail or leisure facility within the development a Travel Plan shall be submitted by the developer for the formal prior written approval of the Council as 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.
- 19 That before the occupation of the proposed primary school a school travel plan shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority).
- 20 The applicant shall provide a signalisation at the junction of Hillfoot Road/Castlehill Road/Dalmellington Road/Belmont Road to the satisfaction of the Roads Authority, prior to the occupation of the 301st dwelling house within the Corton development.
- 21 The applicant shall provide a signalisation at the junction of St. Leonards Road/Monument Road/Carrick Road to the satisfaction of the Roads Authority, prior to the occupation of the 801st dwelling house in the Corton phase, or the occupation of the first dwelling house in the Alton phase; whichever is the sooner.
- 22 The applicant shall upgrade to dual carriageway standards a section on the A713 between Bankfield roundabout A77 (T) and the proposed site access serving the Alton development to the satisfaction of the Roads Authority, prior to the occupation of the first house in the Alton development.

- 23 The applicant shall provide a new roundabout junction to serve the Alton development to the satisfaction of the Roads Authority, prior to the occupation of the first house in the Alton development.
- 24 The applicant shall provide an upgraded junction to Ayr Hospital to the satisfaction of the Roads Authority, prior to the occupation of the first house in the Cockhill/Glenparks development.
- 25 The applicant shall provide a new roundabout junction to serve the Cockhill/Glenparks development to the satisfaction of Roads Authority, prior to the occupation of the Cockhill/Glenparks development.
- 26 The applicant shall provide a section of dual carriageway between the new site connection with the A713 and the first internal roundabout development to the satisfaction of the Roads Authority, prior to the occupation of the Cockhill / Glenparks development.
- 27 The applicant shall provide a bus gate on the internal road layout within Corton in advance of any vehicular connections with Corton Road to the satisfaction of the Roads Authority.
- 28 The applicant shall provide a bus gate on the internal road layout within Cockhill/Glenparks in advance of any connections with Corton Road prior to the occupation of the Cockhill/Glenparks development to the satisfaction of the Roads Authority.
- 29 The applicant shall provide a signalisation on the Corton Road Bridge across the Ayr to Stranraer rail line to the satisfaction of the Roads Authority, prior to the occupation of the Cockhill/Glenparks development.
- 30 The applicant shall provide a an upgrade to Corton Road between bus gates on the Corton and Cockhill/Glenparks developments to the satisfaction of the Roads Authority, prior to the occupation of the Cockhill/Glenparks development.
- 31 The location of the points of access and connections with the existing road network shall be to the satisfaction of the Roads Authority.
- 32 That the internal road layouts shall be designed and constructed in accordance with the Council's adopted Roads Development Guide.
- 33 The applicant shall make provision for path connections to adjacent developments by providing a footpath link from Maybole Road to the development including a pedestrian/cycling/equestrian bridge over the A77(T) prior to the occupation of any part of the Corton development.
- 34 The applicant shall make provision for path connections to adjacent developments by providing a footpath link from Kincaidston Drive to the development including a pedestrian/cycling bridge over the A77(T) prior to the occupation of any part of the Alton development.
- 35 that the developer shall submit, and have agreed with the Planning Authority, a scheme for upgrading the existing path connections between Corton and Alton and between Corton and Cockhill/Glenparks, prior to the occupation of the first dwelling house in Alton and the first dwelling house in Cockhill/Glenparks, respectively. The scheme shall specify the nature of the upgrading works and the timing for their implementation.
- 36 that the scheme of path upgrades, as agreed in condition 35, above, shall be implemented in accordance with that scheme; to the satisfaction of the Planning Authority.
- 37 Footpath and cycle links shall be provided with existing public roads and footways at locations to the satisfaction of the Planning and Roads Authority, to encourage sustainable modes of transport.
- 38 That junction access visibility sightline splays be agreed with the Council as Roads Authority in accordance with the Council's adopted Roads Development Guide and shall be

maintained in both directions. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays.

- 39 That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site.
- 40 That off road parking spaces shall be provided within the existing site boundary in accordance with the Council's adopted Roads Development Guide and SPP17 before occupation of any part of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site.
- 41 That the private accesses shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to occupation of any dwelling. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site.
- 42 That prior to completion of the development any gates shall open inwards away from the public roadway.
- 43 That the applicant shall provide a new roundabout junction to serve the Corton development at its junction with the A77 trunk road, Corton Road and Doonholm Road prior to the occupation of the first house in the Alton phase.

Public Access

- 44 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 will 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,
 - d) any diversions of paths – temporary or permanent – proposed for the purposes of the development.

Greenspace – Ecology and Landscape

- 45 That at the stage of the first formal application for each phase, a Landscape and Habitat Management Plan shall be submitted to and approved by the Planning Authority in consultation with Scottish Natural Heritage (SNH) and shall be implemented in full during the construction stage of all phases of the development and adhered to for the lifetime of the development. This Landscape and Habitat Management Plan shall define the proposed management regime for all landscaped areas within each major development phase. The Plan shall include details of the following:
- a) retention of mature trees and hedges wherever possible and planting of new indigenous trees and shrubs within the new structure landscape and wildlife corridors;
 - b) appropriate planting of new trees, hedges, shrubs and ground cover plants within the site;
 - c) access and habitat protection and enhancement measures as identified within the Environmental Assessment as on-site and off-site mitigation shall be provided in advance of the development within that phase, to the satisfaction of the Planning Authority;
 - d) the fencing off of agreed features during the construction phase in accordance with BS 5837: Trees in relation to Construction (2005);

- e) buildings which require to be demolished or mature trees which require to be felled as part of the construction works;
 - f) proposals for establishing whether there is evidence of roosting bats or nesting birds and proposals for ongoing bat surveys, if required;
 - g) details of structural landscaping for all boundary treatment, wildlife corridors and landscape areas, together with details of phasing; and
 - h) Proposals for a qualified ecologist overseeing the implementation of the plan.
- 46 That at the first formal application for each phase of the development, 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 residential 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.
- 47 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.
- 48 That before any works start on site, the developer shall submit, 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.
- 49 That notwithstanding the provisions of the applicants' „Statement of Intent – Open Space Maintenance“ at the first formal application for each phase of the development, a factoring arrangement and a maintenance schedule shall be submitted for the approval of the Planning Authority and be put in place for the new landscape works, for the existing woods (particularly the large square woodland at north western corner of Cockhill), the grassed and planted areas and burn corridors. 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.
- 50 That there shall be no works of disturbance to potential bird breeding habitat, during for example tree felling and hedgerow removal within the main bird breeding season (March to June inclusive) unless with the agreement of the Planning Authority.

Water Quality and Drainage

- 51 That 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 and shall include retention ponds generally in locations as shown in the Comprehensive Masterplan. At the formal application 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 will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

- 52 That the foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water.
- 53 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.
- 54 That before development commences further, details will be provided to satisfy the Planning Authority that;
- a) Compensatory storage area to be maintained in perpetuity and subject to regular inspection and maintenance by an agreed party,
 - b) the water level increase upstream of the compensatory storage is appropriate for flood control purposes,
 - c) the SUDS scheme is not located within the floodplain or that appropriate compensatory storage provided,
 - d) post development runoff and management are appropriate for flood control purposes,
 - e) confirmation of the 200 year flood envelopes, provision of appropriate planning drawings at detailed planning stage confirming proposed Finished Floor Levels, flood relief levels and provision of overland flow pathways as recommended in the Kaya Flood Risk Assessment.
- 55 That at the first formal application for each phase in relation to the development site, the attenuation measures required and agreed to meet the Flood Risk Assessment measures shall be submitted to and approved by the Planning Authority.
- 56 That the applicants will submit details of the engineering works proposed in or near the water environment, including all watercourse crossings within the application site and these will be approved by the Planning Authority in consultation with SEPA at the relevant detailed matters application stage prior to any works taking place to form these crossings. The watercourse crossing at the proposed access road/roundabout will be in the form of a bottomless bridging structure. All other watercourse crossings will be in the form of bridging structures with the design details agreed with SEPA prior to any works taking place in or near the watercourse.

Archaeology

- 57 That the developer shall submit at the first formal application for each phase, for the approval of the Planning Authority, an archaeological mitigation strategy. 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 agreement with the West of Scotland Archaeology Service.

Noise and Vibration Assessment

- 58 That prior to the commencement of work on site, a noise assessment shall be carried out for each housing phase to determine that noise from related transport sources will not exceed 45db LAeq during the hours of 07:00 – 23:00 and 35db LAeq 23:00 – 07:00 inside any habitable room, to the satisfaction of the Planning Authority.
- 59 That prior to the commencement of work on site, the developer shall submit details of measures intended to prevent loss of amenity from any affects of ground borne vibration from railway traffic, to the satisfaction of the Planning Authority.

Renewable Energy Generation

- 60 Prior to the submission of the first formal application for each phase for the development of buildings, there shall be submitted proposals for achieving a reduction in CO² emissions in accordance with Scottish Planning Policy, for the approval of the Planning Authority. The completed development shall accord with the scheme.

Recycling Centre

- 61 That within the neighbourhood centre, as part of the retail proposals, land of around 300 square metres with a suitable hardstanding base with access for LGV service refuse vehicles will 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.

Conditions for the Corton Phase

- 62 That in terms of Condition 1 above and in relation to the approved Corton Development and Design Brief, the formal application for the Corton phase shall provide for and include the following items to be submitted to and approved by the Planning Authority:
- a) a plan for the Local Distributor Road to provide for appropriate landscaping including clusters of trees where appropriate with existing and proposed ground levels which respect the natural topography of the site as far as possible. All elements shall integrate to the satisfaction of the Planning Authority;
 - b) a specification for all new boundary walls, railings, gates, fencing or other means of enclosure including a palette of materials as part of the character areas plan (Diagram 5.8 Rev A). Particular attention shall be given to the greenspaces in forming this character plan;
 - c) an earthworks strategy with strategic ground modelling, which details existing and proposed ground levels and approximate finished floor levels for the houses within the site and cross-sections across the site;
 - d) a plan detailing the open spaces which shall have equipped play areas and those which are to have a different hard and soft landscape treatment;
 - e) the proposed vehicular accesses to the new primary school, the neighbourhood centre and the Business Park shall be defined, and the implementation and provision of these roads to adoptable standard shall be agreed as part of the phasing plan in terms of Condition 4 above;
 - f) the provision of differentiating surfaces for vehicle, shared surfaces and pedestrian/cycle only routes;
 - g) landscaping corridors as indicated in the Development and Design Brief [Diagram 5.10b Rev B], which shall be provided and linked to each other to create green spaces across the site; the location of the structural landscape areas shall be established, along with a plan defining their function, street furniture and means of enclosure;
 - h) the location of strategic footpaths be provided as indicated in the Movement Framework Diagram 5.7 Rev B of the Development and Design Brief, landscaping treatment thereof, details of kerb and hard surfacing with the purpose of assisting ease of pedestrian and cycle movement. Provision shall be made to link into the proposed bridges over the A77 and existing bridges over and underpass under the railway line;
 - i) the requirements arising from the Drainage Impact Assessment shall be submitted and shall reflect the SUDS as set out in the Development and Design Brief and the conditions of this planning permission;
 - j) the detailed treatment of the proposed retention basins or ponds for SUDS shall be defined and the implementation of these shall be agreed as part of the phasing plan in terms of Condition 6 above; and
 - k) proposals shall be submitted for the hard and soft landscape treatment of the new roundabouts and the principal entrances to the site in order to create attractive entrances to the site. These details shall be agreed with the Roads and Planning Authority and implemented in accordance with the phasing programme as set out in Condition 4 above.

- 63 That in relation to the Development and Design Brief, all formal applications for each land parcel of the Corton phase of development shall ensure that the following design principles are adhered to:
- a) all houses along the Local Distributor Road shall front onto the Local Distributor Road wherever possible;
 - b) all houses along landscape corridors shall front onto these corridors wherever possible;
 - c) focal buildings shall be identified throughout the site and shall be of a higher architectural quality;
 - d) wherever possible ,and in the context of the Landscape and Habitat Management Plan, 2 metre service strips shall be provided along the shared surface roads and all utilities shall be provided within these service strips. No service strips for utilities shall be provided in the front gardens of individual houses to the satisfaction of the Planning Authority;
 - e) wherever possible, all areas of public open space shall have frontages of properties onto these amenity spaces;
 - f) residential development shall contain provision for children’s play areas, throughout the development in line with the approved Development and Design Brief (Diagram 5:10b), to the satisfaction of the Planning Authority. All children’s play areas shall be in accordance with the Council’s Planning Policy No.4 “The Provision of Private and Public Open Space and Play Areas within New Residential Areas” or the relevant guidance in force at the time;
 - g) all buildings shall be constructed in accordance with the proposals for energy efficiency submitted in accordance with Condition 64 hereof and renewable sources of energy shall be provided to meet the requirements of Scottish Planning Policy;
 - h) all formal applications shall be in accordance with the approved Landscaping and Habitat Management Plan;
 - i) residential development proposals shall set out the associated open space areas and other related uses;
 - j) prior to the submission of any formal application by the appropriate party for the primary school, business park or neighbourhood centre, detailed drawings generally in accordance with the Design and Development Brief will be submitted for each of these sites for approval by the Planning Authority;
 - k) community facilities shall be provided within the primary school grounds in accordance with the requirements of the Education Authority, and these will be available for public use outwith school hours.
- 64 that the arrangements for setting out the neighbourhood centre shall not be as set out within the approved plans. The first formal application for the neighbourhood centre within the Corton phase shall include details for the formation of a civic space with an emphasis on creating public realm within the development; to the satisfaction of the Planning Authority.

Notes

- (1) Construction Consent from the Roads Authority will be required for the formation of any new road and that traffic calming measures will be required. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.
- (2) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant; including any relevant road signs and markings.
- (3) Attention is drawn to the matters arising in Network Rail’s letter to South Ayrshire Council dated 17th December 2007 and forwarded to Geddes Consulting on 21st December 2007.

- (4) Scottish Power Distribution have an operational substation and/or underground apparatus and/or overhead lines within the area of the proposals and advise that they reserve the right to protect and/or deviate the apparatus/cables at the applicant's expense.

Reasons for Conditions

2 to 6	To clarify the terms of the permission.
7 to 8	To ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards and that the safety and free flow of the traffic on the trunk road is not diminished.
9 to 10	In the interests of road safety.
11 to 12	To be consistent with the requirements of SPP1 and PAN 75.;
13	In the interests of safety to ensure that there will be no distraction to dazzle drivers on the trunk road.
14	To minimise the risk of pedestrians and vehicles gaining uncontrolled access to the trunk road with the consequential risk of accidents.
15, 20-33, 38, 40-42	In the interests of road safety.
16 to 18	In the interests of social inclusion and sustainable development.
19	In the interests of sustainable development.
34-37	In the interests of personal safety and providing appropriate public access.
39	In the interests of road safety and to ensure that sustainable drainage systems are designed adequately.
43	In the interests of road safety.
44	In the interests of securing public access through the site.
45 to 50	In the interests of protecting the natural habitat and ecology of the site and promoting an open space framework.
51	To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
52	In the interests of pollution control.
53	To ensure that the site is drained in an acceptable and sustainable manner.
54 to 56	To ensure that surface water from the site is adequately treated within the site and to ensure that measures are put in place to avoid unacceptable flood risks.
57	To ensure that measures are put in place to appropriately assess and record archaeology.
58 to 59	In the interests of residential amenity.
60	In the interests of promoting recycling.
61 to 63	In the interests of residential amenity.
64	In the interests of public amenity and creating a quality development.

Reasons for Decision

The principle of the development hereby approved is considered to accord with the provisions of the development plan, in terms of the approved structure plan and adopted local plan. There are no reasons to warrant a refusal of planning permission. It is a legislative provision that refusal of planning permission should only be given if planning conditions or legal agreements are unable to address matters of planning concern.

Background Papers:

1. Application form and plans
2. Consultation replies
3. Adopted Ayrshire Joint Structure Plan
4. Approved South Ayrshire Local Plan
5. Scottish Planning Policy
6. Draft Scottish Planning Policy
7. SPP3: Land for Housing
8. SPP8: Town Centres and Retailing
9. SPP17: Planning for Transport
10. SPP11: Open Space and Physical Activity
11. SPP20: Architecture and Design Scotland
12. SPP23: Planning and the Historic Environment
13. NPPG14: Natural Heritage
14. PAN61: Planning and Sustainable Urban Drainage Systems

15. PAN76: New Residential Streets
16. South Ayrshire Council Planning Policy Note No. 4: „The Provision of Private and Public Open Space and Play Areas within New Residential Areas“
17. Supplementary Policy Guidance: „Affordable Housing in New Housing Developments“
18. South Ayrshire Corridor Study – Conceptual Design of Interventions and Associated Budget Costs (Jacobs Consultancy, December 2008)
19. South Ayrshire Council Local Housing Strategy
20. Circular12/96 „Town & Country Planning (Scotland) Act 1972: Planning Agreements
21. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009
22. “Flood Risk Assessment (Draft)” Kaya Consulting Limited, August 2008
23. Study of Low and Zero Carbon Technologies, RSP Consulting Engineers`
24. Application „Masterplan Report“ (November 2007)
25. Development Framework Report
26. Comprehensive Masterplan – Masterplan principles
27. Corton Development and Design Brief
28. Design Statement
29. Transportation Assessment, including addendum
30. Planning Assessment
31. Sustainability Statement
32. Statement of Intent – Open Space Maintenance
33. Study of Low and Zero Carbon Technologies
34. Environmental Statement, including addendum on Landscape Character
35. South-East Ayr: Statement of Funding Principles
36. South-East Ayr: Landscape and Open Space Provision
37. South-East Ayr Development: Whiskered Bat Mitigation
38. Educational Impact of the South East Ayr Development on Local Education Provision

Person to Contact:

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